

## COUNCIL MEETING

JANUARY 30, 2013

The Council Meeting of the Council of the County of Kaua'i was called to order by the Council Chair Jay Furfaro at the Council Chambers, 4396 Rice Street, Room 201, Līhu'e, Kaua'i, on Wednesday, January 30, 2013 at 9:50 a.m., after which the following members answered the call of the roll:

Honorable Tim Bynum  
Honorable Gary L. Hooser  
Honorable Ross Kagawa  
Honorable Nadine K. Nakamura  
Honorable Mel Rapozo  
Honorable JoAnn A. Yukimura  
Honorable Jay Furfaro

### APPROVAL OF AGENDA.

Mr. Rapozo moved for approval of the agenda as circulated, seconded by Ms. Nakamura, and unanimously carried.

### MINUTES of the following meetings of the Council:

December 18, 2012 Special Council Meeting

Mr. Rapozo moved to approve the Minutes as circulated, seconded by Ms. Nakamura, and unanimously carried.

### CONSENT CALENDAR:

C 2013-47 Communication (01/07/2013) from the Director of Finance, transmitting for Council information, the Second Quarter Statement of Equipment Purchases, for Fiscal Year 2012-2013, pursuant to Section 17, Ordinance No. B-2012-736, the Fiscal Year 2012-2013 Operating Budget of the County of Kaua'i: Ms. Nakamura moved to receive C 2013-47 for the record, seconded by Mr. Bynum, and unanimously carried.

C 2013-48 Communication (01/11/2013) from Councilmember Yukimura, providing written disclosure of a possible conflict of interest and recusal, relating to Agenda Item C 2013-44, a request for an extension to the License Agreement between the Boys & Girls Club of Hawai'i and the County of Kaua'i, as she is the Vice President of the Boys & Girls Club of Hawai'i, Kaua'i Branch Advisory Board: Ms. Nakamura moved to receive C 2013-48 for the record, seconded by Mr. Bynum, and unanimously carried.

C 2013-49 Communication (01/15/2013) from the Executive on Transportation, transmitting for Council consideration, a Resolution accepting and endorsing the Multimodal Land Transportation Plan as a Policy Guideline for the County of Kaua'i: Ms. Nakamura moved to receive C 2013-49 for the record, seconded by Mr. Bynum, and unanimously carried.

C 2013-50 Communication (01/17/2013) from the Council Chair, transmitting for Council consideration a Resolution confirming Council Appointee Dorothea K. Hayashi to the Public Access, Open Space, and Natural Resources Preservation Fund Commission (Hanapēpē – ‘Ele‘ele): Ms. Nakamura moved to receive C 2013-50 for the record, seconded by Mr. Bynum, and unanimously carried.

C 2013-51 Communication (01/22/2013) from Council Vice Chair Nakamura, providing written disclosure of a possible conflict of interest and recusal, relating to Agenda Item C 2013-46, a request to approve of the Indemnification Provisions contained in the Kaua‘i Island Utility Cooperative (KIUC) Interconnection Agreement, Schedule “NEM Pilot” for the County Renewable Energy Projects, due to her husband’s law firm’s work with KIUC: Ms. Nakamura moved to receive C 2013-51 for the record, seconded by Mr. Bynum, and unanimously carried.

C 2013-52 Communication (01/18/2013) from Council Vice Chair Nakamura and Councilmember Bynum, transmitting for Council consideration, a Proposed Bill for an Ordinance Amending Section 19-1.4, Kaua‘i County Code 1987, As Amended, Relating to Parks and Recreation: Ms. Nakamura moved to receive C 2013-52 for the record, seconded by Mr. Bynum, and unanimously carried.

C 2013-53 Communication (01/24/2013) from Council Vice Chair Nakamura, transmitting for Council consideration, a Bill For An Ordinance to Amend Chapter 8, Kaua‘i County Code 1987, As Amended, Relating to the Comprehensive Zoning Ordinance: Ms. Nakamura moved to receive C 2013-53 for the record, seconded by Mr. Bynum, and unanimously carried.

There being no objections, Resolution No. 2013-33 was taken out of order.

#### RESOLUTIONS:

Resolution No. 2013-33, RESOLUTION ACCEPTING AND ENDORSING THE MULTIMODAL LAND TRANSPORTATION PLAN AS A POLICY GUIDELINE FOR THE COUNTY OF KAUAI

There being no objections, the rules were suspended.

CELIA MAHIKOA, Executive on Transportation: In actuality, we will not be providing a full presentation but we do have the privilege of having Mr. Charlier here with us today. I want to thank you for this opportunity for sharing our support for your acceptance of the Kaua‘i Multi-Modal Land Transportation Plan which was completed by Mr. Charlier. After a little over a year where we had worked with the public and worked with all the other Agencies and Departments within the County and State Department of Transportation (DOT). I wanted to also have the privilege as serving as the Project Manager for this project. I have such great people to work with on the Technical Advisory Committee of which I have two (2) joining me here today – Marie Williams from Planning, and Lyle Tabata with Public Works. I want to also take this opportunity to introduce our new County Transportation Planner, Lee Steinmetz.

Chair Furfaro:  
onboard.

Welcome, we are delighted to have you

Ms. Mahikoa: Lee is the newest member of the Planning Team and he is going to be operating within the key role in carrying out the initiatives in combining the efforts between Planning, Public Works and all of the other entities that are involved with Transportation improvements that the County is moving towards accomplishing. We just wanted to basically share that we are fully committed to all working together and the success of the Implementation Plan that was provided in this Plan, we see great benefits coming from this. It will greatly contribute to providing people of Kaua'i better options in moving about on Kaua'i. It will provide better ways for people to save money as well in providing these other options. As far as one (1) of the recommendations within the Plan, it does recommend the establishment of a Transportation Coordinating Committee which will serve to carry out the implementation of the recommendations within the Plan. The Mayor has appointed ten (10) individuals of which the four (4) of us are the four (4) out of the ten (10) who will serve on this Committee. It also includes a Representative from State DOT, as well as members of the public who will contribute to these efforts and all of us working together to make... to accomplish these goals to better improve the transportation options for the people on the island. For now, I just wanted to thank you for this opportunity and I appreciate your consideration today.

Chair Furfaro: Celia, is there anyone else on your four (4) member panel here that would like to make some opening comments? How about from the Planning Department, how about from the Engineering?

MARIE WILLIAMS, Long Range Planner: I would just like to say, to thank Celia for doing a great job at overseeing this project and getting it completed on time. I think that is great. It was a pleasure working with Jim as well and I felt that I have learned a lot from him. Also, in terms of our Long Range Planning Program, I think that this Plan will serve as a really strong foundation for our upcoming General Plan update. There are a lot of language in the Plan that speaks as to how this Plan can be used as a guide not only for our General Plan update, but for our upcoming development plans for Līhu'e and Kōloa-Po'ipū-Kalāheo planning areas. Thank you.

LYLE TABATA, Deputy County Engineer: Public Works is committed to support these initiatives as based in the Transportation Plan. We participated along with the rest of the Technical Committee and we are part of the Committee moving forward. It is interesting to note that as Marie mentioned that this Plan will add to the updates of the General Plan and other committed plans moving forward. In the segment that Public Works, in particular, is very committed to support is the Complete Streets initiatives and also it ties into Safe Routes to School around our Elementary and up to Middle School. I will introduce Lee who... by the way even though he belongs to Planning, ultimately sits right next to me in Public Works, so there are no boundaries.

LEE STEINMETZ: Mr. Chair and members, thank you for your welcome. I am really excited to be here and be a part of this team to get going on implementing this Plan, and we have actually already started that and are moving forward with a lot of the initiatives. Everybody that I have worked with and am involved with is really committed to this and that makes it really exciting for me to see that this is a Plan that is not going to just sit on the shelf but it is actually going to get done. I am just really excited to be able to be here and be part of the team to move it forward. Thank you.

Chair Furfaro: Members, now that the team is done their opening comments, may I ask if you have any questions of these team members at this time?

Ms. Nakamura: Thank you very much for the presentation and your good work on this Plan. You mentioned that there are ten (10) members of your Transportation Coordinating Committee, and the report... well the one that I was looking at mentioned six (6). Can you tell us who else was added to this? I am not sure maybe I am looking at the draft report.

Ms. Mahikoa: I can provide you with the names.

Ms. Nakamura: We have Planning, Public Works, the Executive on Transportation, Representative from State DOT, Kaua'i Office of Economic Development, and one (1) citizen.

Ms. Mahikoa: Yes, we have chosen to include two (2) citizens and a Representative from Council, in addition to the six (6) and our CIP Program Manager, or Project Manager.

Ms. Nakamura: Okay. And the Representative from Public Works is Lyle and so is Lee under Planning or is he an addition too?

Ms. Mahikoa: He is under Planning as well as Marie is right now.

Ms. Nakamura: So, all three (3) of you will be on this Committee?

Mr. Tabata: Yes.

Ms. Nakamura: Okay. Well I am glad to hear there is more than one citizen. And my recommendation was to have two or three, mainly because some of the appointed positions will change over time and for just sustainability of ideas, vision, and history. I think it is important that there be a stronger community component, so, I guess I can live with two. I would be happier with three only because it would reflect geographical diversity but I am really glad to see all the different departments being able to work together to carry this out. I have a question about the CIP whether the priority projects will be incorporated into the six (6) year CIP?

Ms. Williams: I know that the Plan does talk about how we eventually have to get to the point where we can invest more in projects that encourage cycling and walking as well but it does not specifically list improvements that have to be made at this point. I think it lays the framework as we move forward and I think this will be a very important role of the TCC of how we can ensure that the appropriate amount of County funds are used to supporting goals of the Multi-Modal Plan.

Chair Furfaro: I want to ask a follow-up question to that, if I can? When will the CIP Budget and I hope the one that is being submitted to us for March 15, when will it start reflecting a stronger effort on bus stops?

Ms. Mahikoa: I believe we have in this Fiscal Year reflects...

Chair Furfaro: We did put some money in this year...

Ms. Mahikoa: Yes.

Chair Furfaro: ...but I drive by Kapa'a and I see what looks like a very custom made Caribbean, multi-color rocking chair bench.

Ms. Mahikoa: Yes.

Chair Furfaro: Was that part of our Plan?

Ms. Mahikoa: No, it was not.

Chair Furfaro: We have citizens to thank for responding to something in the temporary basis?

Ms. Mahikoa: There is a very talented, generous individual out there and I unfortunately do not know who this individual is but they have been building these and providing them, greatly so for the public use.

Chair Furfaro: First part of my question, I would like to see the name and address of that information – individual, so that this Council can take some temporary action on sending a *mahalo* letter. I think that is very appropriate but how... we set aside money last year and I believe the discussion was focused around prefabricated, installed, covered sheds.

Ms. Mahikoa: Yes.

Chair Furfaro: Are we being more aggressive on that now? Where are we at?

Ms. Mahikoa: Because we need to make sure that we are addressing the ADA requirements and the foundational requirements in connectivity requirements of each bus stop, we needed to proceed with first going with a Design and Engineering contract. So, that is what we are in the middle of right now, which I believe is set to be completed around May. At that point we will have plans in hand for; I believe, it is forty-nine (49) separate bus stops.

Chair Furfaro: I believe that is what you told us last time.

Ms. Mahikoa: So from that point, it seems like you see nothing happening right now, but it is all the ground work that is being laid in order for us to get to the point of where we can purchase and install the actual shelters. We should be able to proceed with a construction contract and be able to actually have them installed next Fiscal Year. That is our goal.

Chair Furfaro: So by June, I could put a agenda item on to get an update on the shelters?

Ms. Mahikoa: Certainly.

Chair Furfaro: Other members, questions for the team?

Ms. Nakamura: Are you receptive to adding somebody from the visitor industry to this Technical Coordinating Committee?

Ms. Mahikoa: Yes, we certainly would be receptive to that.

Ms. Nakamura: Thank you. Also, it did not pop out in the report but having subsequent conversations yesterday and yourself, I think I can understand that the visitor industry... it is really best for the visitor industry if we can incorporate their needs into our existing system rather than create separate systems accept for shuttles in very specific areas like on the North Shore or Po'ipū, Kōloa and that strategy, I think is going to be clarified in the Plan. That was very helpful to hear about all of your experience to serve the visitor industry and when I first read the Plan it did not... it was not clear to me how it was going to be addressed. I am hoping for some clarifying language in the Plan. I also wanted to find out if the Technical Coordinating Committee would be willing to and receptive to doing annual reports to this Council in January of each year?

Ms. Mahikoa: We will be willing to provide that.

Ms. Nakamura: And we will be considering this as this year's January report. Thank you.

Mr. Rapozo: Can you give us the numbers of the Committee? Do you have that with you?

Ms. Mahikoa: The members of the Committee are going to be... you want actual names?

Mr. Rapozo: Yes, if you have the names.

Ms. Mahikoa: Okay. We have Keith Suga, the CIP Project Manager, Lee Steinmetz, the Transportation Planner, Marie Williams, Lyle Tabata, myself, Ed Sulliva, JoAnn Yukimura, Ray McCormick, Bev Brody, and Thomas Noyes.

Chair Furfaro: I would believe as the Council Chair, I would prefer that the position allocated to the Council is allocated to reflect the Chairman of the Transportation Committee rather than a specific Councilmember.

Ms. Mahikoa: Yes.

Chair Furfaro: Could you please consider that and your next meeting with Councilmember Yukimura, if you folks could discuss that, I would appreciate it.

Ms. Mahikoa: Certainly.

Ms. Yukimura: I think it is really by positions and I think that is...

Chair Furfaro: She did not report a position.

Ms. Yukimura: Yes, because the names were requested but I think that is fine and that is how it should be. It should be the Chair of the Transportation Committee. I have a question. It is really wonderful to see already a County group that has been involved in creating the Plan and now we will be involved in implementing the Plan. So thank you for the good work. As Lee said, we so often have had plans that get put on the shelf but I hear the commitment to implementation. I want to thank you, Celia as the Project Manager and Mr. Jim Charlier and all of your team for the work that was done in one year, very tight schedule to come up with a very substantive plan that is going to be a good foundation. It is transitioning us to a new way of thinking about transportation and land use that is going to help us achieve a goal that has been a long-term goal for the County which is protecting and preserving our rural character. I want to ask maybe just a really brief idea of how we will be achieving this rural character and how do we see that?

Ms. Williams: I think that we are protecting what we have here is it runs throughout the entire Plan and it is woven into all the four (4) or five (5) components of the Plan. Again, I see a strong tie back our own Long Range Plan – the General Plan and key in the Land Use Program, in Jim's Plan, is that in order to maintain our rural character, we have to ensure that our towns work. We are not only looking at land use but we are looking at how they connect to our roads and not only our roads but our... the way that people move and that means... and there are so many components to that and this Plan really does a great job at flushing out all these components and giving us a path to move forward on that. I will just quickly summarize the three principles that are used to justify that the Land Use Program and that is our future land use pattern has to be compact, complete, and connected as well. Jim did a really good job at elaborating on why we have to move forward in that direction. Perhaps, Lyle or Lee could speak to some of the other components in the Plan and how they tie to our rural character as well.

Ms. Yukimura:

Thank you.

Mr. Steinmetz: Marie brought up a really good point. The idea of preserving our rural character is a huge issue that goes from planning down to really detailed design. In looking at where we focus our development to be more compact so people do not have to drive as far to get to work or able to walk and ride a bike, that is a real critical part of it so that we do not have to focus on widening our highways and widening our streets. We can use our existing network better and more efficiently and reduce the number of car trips that are needed just through our planning and development and where we locate places of work and where we locate housing, our connections to schools. Lyle and I are working a lot on Safe Routes to School so that children can walk to school like many of us did when we were growing up as opposed to having to drive because many parents feel it is unsafe on our current road conditions to allow their children to walk. So, that is something we are trying to address as well. There are a lot of different components at every level of detail. I also want to bring up that each of our towns is really different and unique on the island and we really want to respect that and it is a really important part of "Complete Streets" implementation is what sometimes called "Context Sensitive Design"...which means not having a cookie cutter designer approach, for example. There is discussion...I know there have been concerns about sidewalks, curbs, and gutters and are we going to pave our whole island with sidewalks and that is not really the intent of the plan. The intent of the Plan is to improve pedestrian and bicycle connectivity but do that in a way that is appropriate

for each area of the island. Our solutions in Hanalei will be very different than our solutions in Līhu'e. I think that is another really important aspect of maintaining that rural character, that we look at the character of each place on the island and come up with solutions that are appropriate for that particular area but still meet the goals of connectivity, still meet our ADA guidelines of access of people of all ages and abilities which is also important. So those are the things that we will be looking at and ways of preserving that character.

Ms. Yukimura: Thank you, Lee. I think we are really glad to have our Transportation Planner on board and I want to acknowledge Councilmember Nakamura who was the one who initiated that position. I had wanted that for a long time but I gave up and with fresh eyes and new initiatives, she put it on the plate, and we are so glad to have it because it is so critical to make this link between transportation and land use planning. Now that we have a Plan, it is really a great thing. I just want to say that the benches that was mentioned by our Chair at the different bus stops... that is somewhat... you can see a little bit of that influence of context sensitive. It seems like those benches sort of reflect the community there in and reflect different things. I have heard that this is a person who wants to remain anonymous. I know a person who knows who the person is but... and I do not know if it is a he or she but publicly we can say "thank you" to whoever is doing it. It is providing really needed seats especially for our elderly. While the Transportation Agency is working on the formal and permanent shelters and benches, this is a wonderful service. Based on Council Vice Chair's concern about the link and involvement of the Visitor Industry, I just wanted to announce that tomorrow we are having a Po'ipū Parking Workshop. One may wonder "how is this tied into the Plan," but actually there are two Resolution – No-Parking Resolutions that have come to the Council which is what triggered this Workshop because there is a need for no-parking which is an effort to limit parking supply in Po'ipū for a variety of reasons like safety and so forth. But this Workshop will help us look at the big picture and look at parking demand also which turns it into a transportation problem or issue. How do people get to Po'ipū if they do not get to Po'ipū with cars? Then, maybe, they will not need parking. And, maybe, this is in a visitor destination where the industry itself is experiencing problems. So I just wanted to announce the Committee on Transportation and Housing will be hosting a Parking Workshop tomorrow from 1:30 to 3:30 at the Kukui'ula Shopping Center in the empty space next to Living Foods and it is opened to the public. I am sorry – it is 1 – 4. So, it is opened to the public. Especially we will gather people who are stakeholders in the problem of parking. We will look at circulation and issues like that.

Mr. Bynum: I know this is not the main topic but I have talked to you about the Menhune bench builder, whoever that is... I noticed... I saw some on the Westside this week and they seem to keep appearing. It is sort of like a little local mystery and I very much appreciate that person whoever they are. I was trying to do some investigation so we can recognize them but if they do not want to be recognized, okay, but thank you whoever you are.

Mr. Kagawa: Thank you, Celia. I had a good meeting with you and Jim yesterday. To have an effective transportation system, we need input from a lot of individuals and people in our government. Looks like you have a good start and it is... I want to thank Councilmember Yukimura because she started the bus system and she did it by maximizing federal dollars and really it was a win-win for the County. Today here we are and there is a likelihood that the federal dollars might not be there as much as it was in the past, so even more so we at the County



level need to make sure that the County money that we spend are done wisely and appropriately. Hopefully, we will do our best and it is hard to be perfect in doing a bus system; we do not really know what the community demand is really going to be. We can estimate but it is, again, important to me that we make sure that we have the appropriate bus stops and I understand the ADA mandates make it tough for us to do it but somehow we cannot use that as an excuse – we just need to get it done. It is hard to expect people to regularly use something when they have to sit in the sun or rain, so hopefully... I trust that you are going to do a great job.

Chair Furfaro: Celia, I have a couple questions that popped up on items... first of all the gentleman or lady who is anonymous on the benches or the rocking seats, they need to be thanked somehow. We need to see if we can recognize that individual or some association for that individual. Number two, I want to tell you that my concern with the Committee is that I do not see anybody there representing Finance. When you go to Section 7, especially around page five of that Section, there is a proviso there that talks about the multi-modal approach to funding and prioritizing. Right off the top, I am very fine with this Plan, I am more than fine with this Plan but at the same time I do not want to find ourselves over promising and under delivering and I used that phrase before. So, if you are not going to have somebody from Finance involved with this, may I assume that our Transportation Planner can expand a little bit more on this Finance Plan through 2020. For example, to accomplish all of these, we are moving in areas especially on the bus that has about a forty-five percent (45%) increase or forty-four percent (44%) increase in cost. Now, the equipment – new buses, larger buses or whatever fits the package, obviously some of that can be reflected in the Operating Budget or through lease programs with the year to year operating program. But some of the other things like for example, the first item is talking about increased operational efficiency and I know from the first time Mr. Charlier presented us the Plan, there was talk of having these two (2) satellite base yards, one (1) on the Westside and one (1) on the North side which would include efficiencies for even bus maintenance and storage. More importantly we would never have a bus coming into town empty and that is improving productivity and efficiencies. I would say that we need to study these four (4) points a little bit in this Committee and you should have somebody there from Finance regarding increasing operational revenues. Now, we have done great things with the College and offered a bulk price whether the students use the bus on a regular basis or not but then we have those that are rack ridership or rack is full rate. I would think there is some opportunity there to find out how much... when I just get on the bus if I did not have a bus pass, what is my fare? That is where the room is to move, that might be ten (10), fifteen (15), maybe even twenty percent (20%) on a ridership. That rack ridership obviously would be somebody targeted to visitors who come only during their five (5), six (6) day stay for fare. And then increase external funding, well Federal dollars are hard to come by and whatever they are I would like to see some strategic thinking on the Finance portion. The other portion that deals with increasing the County appropriations, now there are two (2) parts to that. There is the CIP appropriation which maybe we are not going to see anything this year as this discussion but in future years, we need to know what that growth indicator is. This Chapter seven (7) is sole key to supporting this Plan and yet I do not think we have somebody on the team that is going to be really dedicated to doing that kind of research and presenting it to the group. What is really feasible? What can we optimize in a way of rate? What do we do for the acquisition of these two (2) substations? Maybe we actually need extra money to plan a study on where those locations are and so forth. This needs to be expanded and I think it needs expanded with having someone with a financial background on your Committee. If you can take that comment and see what you can

build on it, I would certainly appreciate it. if we do not have the appropriate plan in place on the financial portion, some of this might not be achievable.

Mr. Hooser: You touched a little bit on it earlier in terms of preserving the rural character and nature of different neighborhoods and in looking at the Plan – the requirement for having sidewalks and some of the infrastructure makes me think that in some areas, it certainly would change the character. Certainly on the North Shore if you look at putting sidewalks everywhere, it would make it a whole lot different place than it is now. Even in many other parts of the island, it would...my first thought that it would take away parking from everyone. And I understand there is flexibility in the Plan and that there are good people working on it but some of the language does say – sidewalks, walkways would be ubiquitous and that means everywhere. I am concerned about that and if there was other provisions in writing that recognize the rights or opportunities on individual communities who might say “we do not want sidewalks, we want low speed limits, we would like to be able to walk along the side of the road like our grandparents did,” for whatever reason different communities might have different views in terms of how much they want their community modernize in terms of Transportation.

Mr. Tabata: As Lee stated earlier sidewalks does not necessarily mean “concrete everywhere.” We can extend the right-of-way of pavement and use part of the pavement... because our reality is that many of our walking surfaces are not ADA compliant, so making it part of the roadway surface and creating barriers will accomplish the same and traffic calming devices. Even though we are saying basically sidewalks but it is walking facilities and creating opportunity for our communities. Also when we go out into our community to create projects, we have a whole community feedback process which would normally take us a week or we would will take a project into a community, we invite members of the community to come in and there is a whole process that we have been trained with many of the transportation professionals. These trainings have given us a new insight on how we will take these programs into the community.

Mr. Hooser: Thank you. So it is more creating safe areas to walk then it is installing sidewalks.

Mr. Tabata: Exactly.

Mr. Hooser: Even though we see sidewalks a lot in the Plan.

Ms. Williams: Thank you for bringing up that concern because it has been raised in the past not only in regards to this Plan but our complete streets policy as well. I just wanted to reiterate a point that I feel is made in the Plan that fulfilling the goals of the Plan of having multi-modal networks in all our towns, it is not just about sidewalks and I do not think this County could afford retrofit sidewalks on all our streets. That is why the land use connection is very important because it is about our land use mix, about having more mix use centers as well where we sight our schools and parks and how we connect our streets, for example, to the highway. Not only that but how design our streets as well and that is also an ongoing project that Lyle has lead. There are many components to fulfilling the goals of this Plan and by no means do I think it is a mandate to enforce sidewalks on all communities on Kaua'i.

Mr. Bynum: When I read those things and I appreciate both Councilmember Nakamura's written things and Mr. Charlier's response and what Gary is saying about some of the language is strong. Ubiquitous means this is the norm. But these are goals that we set up here and I do not have a problem indorsing that as a goal because I think in pragmatic practical reality, there is no way we are going to have the funds and no intention to take every rural road and turn it into cement sidewalks. I have discussed this with Lyle and Marie for a long time. Big Island, eight (8) or ten (10) years ago redid their roadway standards and they came up with some creative ideas to address pedestrian safety on rural roads. I do not want people to... because the goal of pedestrian safety is a hundred percent (100%) important and critical. I think of Kawaihau where the County put in a small asphalt strip on one (1) side of the road and it changed that community and protected a lot of people for a lot of years, and it was pretty simple and straight forward and that is an urban area. In Kīlauea Road, there is a similar asphalt path and I do not think having that asphalt path separate in the right-of-way impacts the rural character seriously. If you took that same road and curbed and guttered it and sidewalk it, would change the character. I think that sensitivity, especially in this County where I think we are getting increasingly good and engaging in the community and making decisions based on that put. What Lee said about context sensitive design, it used to be if there was federal money involved, you used the cookie cutter. Well they have changed from that, they are much more opened to... and in fact they are requiring it. I am not too concerned about setting those lofty goals because it is not going to result in reality and the imposition of infrastructure that the community does not want or is not in alignment with its character. So, those are just my thoughts about this but I think it was important to bring up those points and I know the final draft will address some changes in that. Thank you very much.

Ms. Yukimura: Just a follow-up on his point. I guess it is really important to our island the actual wording does say sidewalks, walkways, crosswalks, and trails so I thought that leaves some flexibility in terms of it not always being curbs and gutters. As Marie pointed out, there is no way that the island could afford to put curbs and gutters in every neighborhood and every town even. So, it is going to be a matter of context sensitive, community based input, and customizing things for every place.

Chair Furfaro: Members, I would like to say that my plan is to ask any questions of the Committee we have here, then take testimony for those that have signed up, and then ask Mr. Charlier to come back for a recap. Do we have any more questions for the Committee?

Ms. Yukimura: I am relating to the Chair's question about finances and I am presuming that in taking some of these ideas of the Plan, you will be doing that in the Transportation Agency whether you get a study done or in-house, you would be thinking through the, for example, how to do the satellite base yards? Figuring out all the finances and other things, and then taking it to the Committee for some feedback and even in developing the ideas being in contact with the Finance Department and of course the Mayor. I am thinking that there is some places or some ways already in how you are thinking of implementing the Plan that will involve consultation with the Finance Department.

Ms. Mahikoa: Yes, certainly. As far as the Transportation Coordinating Committee goes at this step – the stage that we are at, what we are doing is looking at the action items that are included in the Plan. We are basically

going through each one and assessing where we are at and try to strategize which should be on the top of the list or our attention, immediate versus next year versus what we can, the low hanging fruit. Within that we also always need to be checking to make sure this is in line administratively with the goals are for this County and financially what this County is able to carry at this point. The first step we are at right now is identify and prioritizing and seeing what sort of resources will be needed - financial resources as well as fellow team member resources and how we are going to be teaming up and maximizing the efficiency of these upcoming projects that we will be taking on.

Ms. Yukimura: My final question is... and it is taking off of what Councilmember Kagawa said about good use of money and how we do that, but this may be a question of Mr. Charlier instead of you, Celia: Are there ways to calculate cost avoidance in terms of... if we achieve our goals for becoming more multi-modal and increasing the share of mode for bus, bikes and pedestrians, will that lessen the need or even at least delay the need for widening of roads and thereby excluding or mitigating expenses that the island has to pay for?

Ms. Mahikoa: I unfortunately do not have a background in that sort of analysis, so I would need to defer.

Ms. Yukimura: Okay, I will ask that when Mr. Charlier comes up.

Ms. Nakamura: Celia, I think the page that the Council Chair was referring to that talks about the commitment this County will need to make to try to fully implement this Plan is very eye opening. I think the Mayor, the Council really has to take a good look at those numbers and I think it would be helpful to have at least a five (5) or six (6) year performance that looks at how you ramp up to that two thousand twenty (2020) level? And what is it going to take each year? Because if we do not do this then we cannot meet the goals of the vehicle miles travel keeping it flat. If we do not make that investment in public transit and then the calculations are off because we are not going to be investing in wider roads. We are saying we are going to put the money into transit and that the cost of the operations will double by 2035. It is a major change in direction and it is a commitment that we really need to be aware that by going down this path, these... there are going to be tradeoffs here. I think having the Committee could come up with a six (6) year ramp up projections - at least that would give us some guidelines and then we need to look at it in a broader context County government expenses. I would like to ask that it be put on the agenda.

Mr. Steinmetz: If I could respond to that also, one of the reasons of adding Keith Suga, our CIP Manager on to the Committee is so that we can really be sure that what the Committee is doing is tied to our financial implementation and looking at how do these things tie into our CIP. Of course CIP is only one funding source and there are many funding sources we have to look at but having Keith on the Committee was way to make sure we are incorporating that. Also, kind of a way I see it working is we come together but then each of these departments also has their own budget and their own funding. For example, I see Transportation looking at what are our budget needs for shelters or whatever our next step is in terms of Transportation, Public Works doing the same, Planning doing the same and so we are all coming together to discuss this but then each Department is also going back and within their Department, making sure that these things are incorporated into their budgets. There is also another part of the

Committee's organization to have regular meetings with the Mayor and report regularly to the Mayor on a progress. So, I see that as another step where we will be able to talk about the financial component. I am saying this because I think we hear very strongly your interest and concern about making sure that we address the financial aspects of the Plan. I think we have some ways to do that within the existing structure but we will certainly review that and if we need to make adjustments to that, we will be sure to address that. My initial thought is that we have the people in place to do it, provided that we do the part that we supposed to do of coordinating with everyone.

Chair Furfaro: Lee, if I can say, I summed it up earlier, we do not want to over promise and under deliver. The financial part is sole key to that. I think Keith and yourself is an excellent ad hoc committee. I have high regards for Keith but it need to be in your group really discussed and presented and what kind of exposure do we have in committing to this. There are operational items that can be put in Celia's Transportation Department but there is also the need to fund things whether from grants or borrowing money through the bond, it needs attention.

Mr. Rapozo: I guess I wanted to follow-up that we may have the proper people in place and I think we do but there is a limit to the amount of money that are available. I do not know if you watch Restaurant Impossible on tv.

Chair Furfaro: Yes.

Mr. Rapozo: He comes into a disaster but he has ten thousand dollars (\$10,000.00) and otherwise he has to fabricate, make shift – they got to do these really unique things to make it run. I think we also have to keep in mind, this is not the only plan on our books in the County. This is not the only plan. We got Solid Waste Management Plans, we got some CEDS, we got a lot of things going on in the County yet we have declining revenues. We have to be realistic, I think the Chair said it the best, we cannot over promise and that is what I am afraid of. As I am hearing all of this – I think it is a great Plan but it comes with that caveat that pending available funds, because I know there are a lot of people – we receive the E-mails. The perception is that great the County is finally moving forward, yes, we are in a Plan... but given the financial situation and that is what the Chair is trying to say is that this team has to get together and figure out... yes, there may be some low hanging fruit that we need to go after but there are no unlimited funds available. Yes, we have an opportunity to tap some bond funds and borrow money but if you look on page seven where it talks about the funding requirements going forward or the projected... it is a lot of money. I think you just need to keep that in mind that it all starts with a Plan but it is subject to available funding. I am hoping we can move forward at some point and I would definitely agree and I might even ask that we make it a requirement that a proforma is set up as we move forward. In the first year, what do we need? And in the second year, third year... much like they did on the Solid Waste, you guys did one on the trash pickup. That is kind of what I am interested in seeing as well, I do not know if that is possible to do right now, but I think we need to get to that point at some point so we can better understand how we are going to get these goals accomplished with the funds that we have available.

Ms. Mahikoa: Sure.

Mr. Steinmetz: If I could add one thing to that, another thing that we are looking at that I think is really important is how can we take projects that we already have funding for and that are already funded and implement this Plan? For example, if we are doing a street resurfacing project, let us take a look at where we stripe our shoulder, where can we add a bike lane which basically adds no cost to a project that is already funded. It helps us to implement this Plan so how can we leverage the dollars that we do have that we realize are limited to get more done. That is something that we are working on and really implementing to see just to make sure that we are doing that. I am a real believer in leveraging funds, so if we can take less funds and apply for a grant and have that be a match... those are the kinds of things we will be looking at to be able to implement this Plan. Fewer dollars but get more done.

Chair Furfaro: I think we are all pleased to hear you speak of that kind of creativity, Lee, thank you very much. Members, what I would like to do is I would like to excuse the team. I think we have three (3) people that have signed for testimony and then we are going to need to take a caption break. Let the record show that I have fourteen (14) associated written testimonies on this subject, all favorable.

TOMMY NOYES: Good morning. I work with the Hawai'i State Department of Health and I am also honored to serve on the Transportation Coordinating Committee. I would like to start with a statement from a very respected federal office holder. "I have traveled all over this Country and everywhere I go people want better options. Options that offer reduce greenhouse emission, options that offer reduce fuel consumption, options that offer better health, options that bring communities together. Let me make this absolutely clear, I never said we never said we would stop repairing, maintaining and yes, even expanding roadways. I said only that it is time to stop assuming that putting more cars on more roads is the best way to move people around effectively." That is a quote from the United States Department of Transportation, Secretary Ray LaHood. He has been the source of many of the funds that we are enjoying here on the island, currently. I had the honor of serving also on the team that put together the Kōloa-Po'ipū Area Circulation Plan which as the team earlier mentioned should feed into the Po'ipū Plan update. Working with the Līhu'e Business Association and other community organizations to assure that the Līhu'e Plan update reflects multi-modal transportation aspects. My main thrust is on health and wellness for our communities. I believe that people of all ages deserve to feel safe when they are walking in their communities and if they feel safe, they will get outdoors, benefit from the exercise, strengthen social connections, and transform our communities to people-oriented spaces rather than car-oriented spaces as we often encounter now. I fully support the Multi-modal Land Transportation Plan and I think it is fantastic that we have such a high quality plan to guide our future in developing transportation options on our island.

NEIL CLENDENINN: I am here in support of the Multi-modal Plan. I think it is quite courageous that the County has done this Plan. From what I understand, we are the only County even looking at a Multi-modal plan. The State, in fact is doing its Transportation Plan which does not include multi-modal. This is something that can be added to the State, the State really needs to start looking at that too. I think it is quite commendable that we have gone this far. I want to also caution, I think it is in the Plan that this is... and people have mentioned it that this is one plan of many plans. This has to incorporate into our development plans and we have to look carefully on how we are developing our

towns, what we are doing with our land because that will change this Plan. If we continually develop this sort of large lot subdivisions with homes on five (5) and six (6) acres spread out over the island, it is going to change what we have to do with this Transportation Plan. We really have to look carefully at our other Plans. One of the things that I think is also very important that we do not ever count is the health benefit. Whenever we are looking at money, we are spending all this money we are saying but we are not looking at the money we are spending to keep people healthy. One (1) of the things that keep people healthy is them walking, exercising, doing things and if we neglect that and they are riding in their cars, we are adding an expense that maybe we can say that we do not have to look at that because it comes from Medicaid or health insurance, but that is our society. We are spending all that money to keep people in cars, to not exercise. We have to consider that cost and I know that is going to be very difficult, I think, may be Jim Charlier can talk about that but is there some way to start counting that benefit in there. What are we doing with people's health? Thank you for agreeing to do this Plan and I am very happy that it is done.

Chair Furfaro:

Thank you for your testimony.

GLENN MICKENS: Reading through Resolution No. 2013-33, I find a lot of questions that need answering. The primary point of concern I have is that the Council is seeking to act on a resolution before the people of the County have knowledge of or an opportunity to comment on the content and the accuracy of the points set forth in the MLTP. The Council should be advised that no action should be taken on the Resolution until the people have been adequately informed about MLTP.

I also reviewed the minutes of the presentation given by Mr. Charlier at last September's meeting and I presume that most of this Resolution comes from that meeting.

In the Resolution, paragraph four (4) is says, "the MLTP's Preferred Scenario" seeks to prevent growth in Island-wide vehicle miles traveled above the 2010 level despite projected increases in resident and visitor population."

Do the words "Preferred Scenario" mean in a perfect world or in some magical scenario as I see no way a real world where vehicle miles can be restricted to the 2010 level since resident and visitor population will have to increase? Why bother using these words when they do not fit reality?

If the people of the world could all get along there would be no devastating wars either. But "get along" would be the "preferred scenario" and no one has ever found a formula to make that work.

This term "Preferred Scenario" is also used in paragraph five (5) and six (6) but in any realistic plan it is a non attainable myth so why use it to try and solve our many problems?

The MLTP is "intended to serve as a guide for County roads and streets, public transit, bicycle and pedestrian facilities, agriculture needs, and to promote the integration of land use planning with transportation system development." Using what as a guideline... the "Preferred Scenario" system and not the reality system that is already in existence? For the Administration and certain Councilmembers to be making a five point two (5.2) million dollars per mile path a



priority over the needs of the ninety-nine percent (99%) of those vehicles users is insane and this resolution does not address that.

At the September meeting, Mr. Charlier said, "there is a lot of latent demand for transit ridership on Kaua'i. If you increase service, we think for every hundred percent (100%) increase in service you would have more than a hundred percent (100%) increase in ridership."

You, Councilmembers saw how few County employees ever took a bus even when it was free. I believe it was about fifty (50) employees in total, so why should we believe that ridership would increase for the general public hundred percent (100%) if service were increased hundred percent (100%)? Reality just does not match up with this "dream" concept.

Who will ever give up the convenience of their vehicle to come and go as they please for waiting and catching a bus in the heat and rain that may not go to their final destination? And for those proposing to use a bike for transportation this method is even more of a dream.

As I have asked many times to this Council, if this bus/bike usage plan is so critical for the public then why are not you members and the Mayor and his subordinates leading by example and showing the people what to do? Why keep being hypocritical and telling the people to do as I say but not do as I do?

The article I have again given you a copy of factually shows what rapid transit and buses have not accomplished across the U.S., Mr. Charlier says that Vehicle Miles Traveled (VMT) has historically increased two (2) to three percent (3%) per year but has now stopped. However, as this article points out, population has increased more than those using transit and thus vehicle ridership has increased.

Let us address the needs of the masses of the people and stop spending time and millions of dollars on the vocal few... priority is the name of the game and let us keep on living in the real world. Let us not live in a dream world. Sure you are going to have to set up a dream but set up a dream according to the reality you now have today, not some dream that... it is not going to be obtainable as you pointed out, Jay. Where is the money going to come from? We are talking about hundreds of millions of dollars to do this. JoAnn pointed out about sidewalks along time ago and I agreed with them, we need some sidewalks, it is dangerous. I see bikers coming down Olohena Road and you have to go across the double line half the time because you do not know if you are going to swerve and hit a kid or something. But they do not have it, we have them put those in. We keep on talking about these things that we should do. JoAnn, you even talked about a recreation center down here, when you were Mayor, and I said I agree with you a hundred percent (100%). What happened since, nothing, in fifteen (15) years.

Chair Furfaro:  
piece.

Glenn, let us stay on the transportation

Mr. Mickens: Okay, I understand. I guess the point I am trying to make is that you have to live in the real world here. You cannot keep on saying, "if this happens, if that happens." It sounds great for the people that are proposing it and everything – it sounds great and everything to propose something



but you are going to have to have, first, money to backup what you are saying. Second, is it really possible - is it something that can be done?

Chair Furfaro: Glenn, please do not misinterpret my comments on my financial plan. The financial plan is necessary, I was not pointing out that it could not be done but the Plan is necessary.

Mr. Mickens: No, no, no. I am not saying it cannot be done. I am just saying that you pointed out the importance of the financial part of the thing. That is the biggest part of the equation. If we do not have the money, we cannot do it.

Chair Furfaro: Thank you and I summed it up by saying, "let us not over promise and undeliver."

Mr. Mickens: Good quote.

Ms. Yukimura: Thank you for doing your homework. If you went through all the minutes of the September meeting, that was a lot of reading.

Mr. Mickens: Yes, I did JoAnn.

Ms. Yukimura: It is reality that our population has grown but our vehicle miles traveling is leveling off. That is statistically true, do you accept that?

Mr. Mickens: That the people... that the population has improved... has grown...

Ms. Yukimura: Has grown.

Mr. Mickens: Which is going to keep on growing, obviously and how are they going to get around?

Ms. Yukimura: The vehicle miles traveled has dropped... or leveled off. It is not growing with the population.

Mr. Mickens: What are those people doing for transportation?

Ms. Yukimura: Well, I just want to say that the magic of changing modes - going from a single occupancy vehicle to say a bus or even three (3) people in a car, is what does it. When you have forty (40) people in a bus going one (1) mile... do you know how many vehicle miles travel that is? Forty people in a bus going one (1) mile, that is one (1) vehicle mile. If you have forty people each in a car going one (1) mile, that is forty (40) vehicle miles traveled.

Mr. Mickens: As you were just pointed to JoAnn, you gave free bus service to the County and they did not even use the bus.

Ms. Yukimura: But did you hear what I said? That is how you keep vehicle miles dropped and that is what this Plan is trying to do. So, I am just trying to explain what seems like unreality, is actuality because of this mode

share change. If we do well, we will allow our population to grow but the vehicle miles traveled, we can keep the same.

Mr. Mickens: Will you do the same thing, JoAnn, and get rid of your car?

Chair Furfaro: You do not have the opportunity to pose your question.

Mr. Mickens: Okay, I will pose it to all of you then?

Chair Furfaro: Do you know in the last eighteen (18) months how much the bus ridership has increased?

Mr. Mickens: Increased or decreased?

Chair Furfaro: Increased.

Mr. Mickens: No, I do not.

Chair Furfaro: I would encourage you to find out from the Transportation because it is significant.

Mr. Mickens: I will say it again, will any of you guys use the bus or bike to wherever you are going?

Ms. Yukimura: We will.

Chair Furfaro: I am not going to allow you to pose a question.

Ms. Yukimura: Sorry.

Mr. Mickens: Okay.

Chair Furfaro: I said to you to do your homework as well because you did a magnificence job of reading all the minutes from the last meeting. On that note, we need to take a caption break.

There being no objections, the Council recessed at 11:06 a.m.

The Council reconvened at 11:20 a.m., and proceeded as follows:

KEN TAYLOR: I am in support of this Resolution. I think it is an important part of not only a planning of future of the County but on also taking steps to reducing some of our oil consumption. I am glad to hear some discussion about the cost of what these different aspects would entail. I have some problems with the way that the County is gone about looking at getting off of oil. One quarter to one-third (1/3) of a barrel of oil consumed on the island is used by energy, and two-thirds (2/3) to three quarters of that barrel for transportation. We spent to date a lot of money on energy, which was a very small part of our consumption. Now we are talking about spending some money on transportation which is the bigger part of consumption of a barrel or oil. Why I am troubled as we pile this debt to the community, we are not really addressing the real issues and

concerns that we should be looking at. In my opinion, we should be first looking at food and water – the two (2) basic things that we need day in and day out, without that, we are not here. We should be spending more time and energy on food and water once we have a sustainable activity in place to take care of our food and water then we can talk about energy and transportation. Unfortunately, that is not the way it has gone to this point in time. I just hope that as we move forward, we spend more time securing our food supply and our water supply for food and daily needs. As I said, I am in favor of this Resolution and I hope it goes forward. It does not look like there is any problem but it is only a small part of the total economic package and concerns that we should be addressing on the island.

FELICIA COWDEN: Aloha. Thank you for listening to me. I want to say, number one is that I am really excited that the County is progressive and looking at the multi-modal operation. I think there is a generational issue here. I think younger people are going to be less resistant to taking the bus. I know in my *Akamai Learning Program*, I get everybody encouraged into having a bus pass and riding the bus. I even go on the bus sometimes on field trips just to be encouraging. The kids do not seem to really contemplate much about getting on the bus. I do think the leveling or the decreasing with the increasing population is not unrealistic. The other thing I am really glad to hear you guys speaking about is finance because we are running out of money everywhere. Being reckless is not something that we should do. When we can be creative like when we are talking about these benches, I do not know what they are made of but if you have communities that are willing to do something beautiful and amazing, I think that keeps us more unique than to have a bunch of uniform, standard CIP shelters and buses. We saw wonderful stuff with the Rotary here – I know the Lions Club does really good things. Maybe we can have something that adds to it. I like that Councilmember Nakamura talked about putting somebody from the Visitor Industry, they might have some real creative ways of doing that. They might actually have some dollars towards contributing to that. I want to speak for a moment about the peopling of this Board – that is good. I would like to see more citizens in there, I would like to see more outliers. It did not seem like the people on the group were very much outliers. The other thing I think is really critical is to have somebody who is culturally Hawaiian. I do not just mean a Hawaiian with the right name because as these things go down the way and people like myself get all excited about the idea and at the eleventh (11<sup>th</sup>) hour, we learn how insensitive, disturbing, painful, and hurtful something is to our host cultural breaks my heart. I know it breaks many people's hearts. If we are early in this that we listen to our hosts, to our Hawaiian culture, tell us what does work. Let us try to get that in there early. I think they really need to be up there. Relative to sidewalks, I know that they have been putting all these white tops on the road, I hate that. I will tell you I do not like it besides that it is nosy and it gives a real urban influence because it rains a lot here. When I pick up my children up on west bound in the afternoon, the sun hits that and I can barely see. I think it is a safety issue to have all this concrete and white top surfaces whether it is the road or on the side. I happen to live right across the street from that Kilauea path that was brought up, it is just a little thin strip of asphalt. I will tell you that it is used consistently. The lawnmowers go right over and it does not seem to bother anything. If we need to have a safety piece, four (4) feet wide, black top barely noticeable and I do not think it affects the character but that is an inexpensive way of addressing these ADA things. My very last point is I do really encourage you to have this wording changed. I do not like words like "ubiquitous," I have a pretty good vocabulary and I am always confused with that, especially if there are a whole string of them. And then when it means "everywhere"... get rid of all of that. Because if you say

everywhere, even somebody like me who is in general favor of this, I start to get nervous. When I see broad sweeping terms and only some little piece like rural character but that is up for discussion. I think the expansive of wording, I really recommend taking that off because it sets policy later and ten (10) years down the line when it is not you and somebody who is making money from concrete or something like that, that gets changed into it. Thank you very much.

THEODORE BLAKE: I wanted to address something that Vice Chair Nakamura brought up. This process for this Multi-Modal Plan went out into the community. We had many meetings at community centers – Waimea, Kōloa, Līhu'e, and Kīlauea. We had two (2) each there and serving ice-cream to bring children in. In Waimea and Kīlauea, we did have children but we even went further and deeper into the community by going out and searching out different entities, people that would have reason to use the bus system. We are very, very successful in that. I was really appreciative of Charlier and Associates making that move to go out even further than... most guys would have a meeting at the community center and that is the hardest place to attract people. I was really thankful for that. Two other things – I wanted to thank Councilmember Yukimura for the finding these funds and for the County for having Charlier and Associates work on this – winning the contract. This is the second time you have worked with Charlier and Associates and they have done a tremendous job for the Kōloa Circulation Plan. I think this Plan is tremendous also and I am in full support of it. Thank you.

SHERRI CUMMINGS: Good morning. I was not prepared to talk. I was just here to support Teddy Blake. It is kind of interesting when you folks talked about who is on the Committee? Who makes up the Committee? And what is evident is the non presence of NHO (Native Hawaiian Organization). I think it is very imperative that we be part of the process and we be on the table and sitting and dialoguing at the start. As I testified in regards to the opposition of Wailua – we are the guys that you guys have to deal with especially if you guys are receiving Federal dollars. There is no way that we are not going to be present at the table but unfortunately for us, we come behind the eight (8) ball when Section 106 happens. As I testified earlier I am very sketchy about the process. So if we can be sitting down at the very beginning and discuss and be part of the process from the beginning, I would really appreciate that, Mr. Charlier. In addition to that this can be a win-win situation as it was mentioned earlier, we would be the first of hopefully the future counties taking on what we are going to initiate. This can be a very fine product if we do this correctly because our NHO's, we are very keen and aware of (inaudible) in the area. Place names is very important to us and if we can produce this correctly, you talk about tourism be engaged in this process, we can make that be a win-win situation where we can educate. The community as well as the tourist industry about all this significant area is because they are very significant to us and if we are talking about receiving funding – us in the Native Hawaiian Organizations, we are very much...OHA is putting on this mass thing regarding place names that are very important to us. We are looking at ways to go out into the communities and be specific about all the names that is very important to our island. That is all my *mana'o* that I got to share with all of you and I would appreciate if whoever is running this, take us into consideration.

Ms. Nakamura: Thank you very much for your testimony. Is there one Native Hawaiian Organization that you would think be a good one to include in the dialogue?

Ms. Cummings: I can talk to you about that off camera. I do have and I do not want to be... to say... me, me, I, I... or whoever I choose to endorse. But there are a few of us that have political will and we are strong behind, not politics but policies and stuff like that. I can take the time after.

Ms. Nakamura: Thank you very much.

JOE ROSA: Good morning. This is going to be about the third time I speak about the Līhu'e town and making it into a walking town. The first time was with the Līhu'e Town Council Meeting which was under the direction of Bryan Baptiste and his 2020 vision. And then I attended another one with the Planning Commission and still nothing has been done and nothing is positive due to the fact that it is all in a dream stage. There is no justification to need to do a relocation. I remember Līhu'e been a two crosswalk town. One of the crosswalks was in front Līhu'e Theatre and the other was on Hale to Street intersection to come to Kaua'i Store. These people who are here from Charlier Associates – what do they know about Kaua'i and the town of Līhu'e? How it was in the thirties, forties, fifties, up to the sixties when there was a drastic change thereafter? All these big trucks had no business coming in through Līhu'e town or going out of the town, basically Kilauea, Food Packers all came through the town. That is why the State DOT in the fifties had a plan. Kapule Highway is just part of it. Today, we choke with traffic through Līhu'e Town. Before anything is done in Līhu'e Town, we need to get other access roads to get out of the town because the DOT had plans in the fifties by late Robin Bell when he was the District Engineer here on Kaua'i. He had a dream and those dreams were alternate routes *mauka* and *makai*. Even Kapule Highway did not end up where it is supposed to be across to Nāwiliwili Road and on towards Kukui Grove. That would have eased this entire traffic problem here today because that was in the fifties. We would not need any super four (4) lanes out at Kukui Grove there. We do not want the Big City things like LA, we want Hawai'i to be Hawai'i. That is what some members of our Council speak we want Kaua'i to be Hawai'i but there is no incentive in her thoughts. Excuse me for saying - I know there are two (2) so it is mutual. Before they do anything, they should have a local committee people from this island that knows Līhu'e. Like what I said in 1939, when Mr. Yotaka Hamamoto at that time was a Supervisor on this Council – they did not have Councilmembers, they had Supervisors. He put in the first sidewalks over here in Līhu'e and later on in Kapa'a and Waipouli. Those are the kinds of things that you people have to be realistic about it. Līhu'e can still be a walking town because... right here is Wilcox and I do not see children walking to go to school from Molokoa. The parents bring them down in a car. Why is it? That is the kind of things, JoAnn, and excuse me saying that I am going to address her.

Chair Furfaro: Excuse me, Joe. I need to give you notice, that was your first three (3) minutes.

Mr. Rosa: I come here before you people to offer things of what I know of Līhu'e and how it is and how it can still be providing we get the traffic out of this town. I used to walk from the Theatre to go to school to Līhu'e grammar school where the Water Department is. We used to walk that morning route and afternoon route. The plantation workers from the camps over here used to walk with their lunch cans and go to the mill. There were a lot of walking traffic but from the sixties (60s) on when they developed this shopping complex across the street things changed a little. And all this other traffic that had no business coming in through the town started to increase. Those are the kinds of things – you liked to keep it Hawai'i, that is the typical Hawai'i. Get people that know this island and

go and look in the history of Līhu'e and Kaua'i and keep Kaua'i – Kaua'i. I lived here eighty (80) years and I know when JoAnn family store was in the valley over here. I knew her uncles and all of them. I knew her grandmother before, she used to give us old Japanese rice candy. I know all those things. I know the history of Līhu'e and not many of them are left around today to testify. A lot of them do not want to come up here in front of the public here. I come before this Council time and time again and I have been complemented by people from the public who approach me that say they like to hear what I say and that is the truth. Nothing has been done and it seems like you go unheard. With this thought in mind – keep Līhu'e – Līhu'e. In fact I am going to mention that I gave one of my plans that I drew up to Marie Williams. That was the one (1) that showed Līhu'e Town all the way from the intersection here all the way to Kapule Highway. They asked me for it and I gave it willingly. I said you want it, you can have it.

Chair Furfaro: Joe, I want to tell you.

Mr. Rosa: Yes, I am going to wrap it up.

Chair Furfaro: No, your time went off a minute ago. I will let you continue but if you can summarize, I would appreciate it.

Mr. Rosa: Like what I was saying, I gave one also to Charlier and Associates at the time with the Līhu'e Town one. I offered two of them and yet I do not see nothing done to elevate the traffic problem like I suggested. I told them if you like (inaudible) street, make it just right turns and then force the traffic from turning into 'Eiwa Street from Rice Street to go to 'Umi Street here. You have a signal light here on that street here and if you need you can add another head to the light that you have and make a storage line. Like what I said, it is dangerous even in the morning when I see children going to school with their parents cars just cutting across. There will be a big serious accident. I see lights flashing already. So those are the kind of things that I had plans that I had. Simply, installing the head on the signal light, giving the parents to go to school with their children... all that has been included in my plans. I made little things like that.

Chair Furfaro: Joe, I think in a few weeks we are going to have a discussion about some of the roads in Līhu'e Town. I would like to make sure I call you to come participate in the meeting but that is coming up in about four (4) weeks.

Mr. Rosa: Well, give me a call.

Chair Furfaro: I will check with Mr. Dill when that session will be and we will call you. Thank you.

CARL IMPARATO: Aloha. I am speaking today on my behalf and on behalf of Makaala Kaaumoana. Before you consider Resolution No. 2013-33 endorsing the Multimodal Land Transportation Plan, we ask that you give serious consideration to the threats that the dogmatic language in the plan and the inflexible application of the County's complete streets policy pose for Kaua'i rural communities.

We hope that you will take time to reflect on the reality that a vote for this Resolution would be a vote for a plan and the plan says that the goal is to install sidewalks on every one of Kaua'i's street.

By a way of background, in September of 2010, I offered testimony to the Council in which I expressed the concern at the time that "Complete Streets" Resolution would be interpreted by the Administration as a mandate for the County to install sidewalks and/or bicycle lanes in rural communities, regardless of the desires of the affected local communities. In cases where a community feels that implementing the Complete Streets standards would have undesirable impacts on the rural nature of a community, the standards would not apply. But the "Complete Streets" resolution was not modified.

In April, the Hanalei-to-Hā'ena Community Association (HHCA) formally submitted testimony expressing its concern that the Complete Streets program may be unbalanced and overreaching; is insensitive to both the rural environment and local community values; favor sidewalks, curbs, bike lanes and paved shoulders over rural character and values; and disempowers the residents of our communities.

The Community Association noted that urban features might be appropriate in Līhu'e or Kapa'a, but may not be appropriate in Hanalei. It asked just once more if the policies should only be implemented where they are consistent with the desires of the affected local communities. Most of the people on the Council were receptive that concern but there was not any language change. So, what happened? Let us give an example, this January – this month we had a developer in Hanalei who wants to build a small office building. The Community Association and the developer together both believed that the office building should be set back away from the road to preserve the open character of Hanalei. The Planning Department says, "no, it has to be up against the road because that is what the Complete Street says." No consideration for what the local community wants. Complete Streets says this and this is what we are going to do. That is the concern that I have about what is before you today and in this Multimodal Land Transportation Plan.

Last September, Makaala and I submitted testimony to the County Council noting that the September draft of the Plan puts a high priority on pouring concrete. There is a lot of lip service to rural character but you have to read the words of the Plan. I have in my written testimony at least four (4) inserts but let me read just one (1) sentence. These are the words of the Plan and words matter: "all new and reconstructed streets shall include sidewalks in the initial construction and the County will work over time to add sidewalks where missing on existing street... Sidewalks shall be no less than five (5) feet in width in residential areas and no less than eight (8) feet in width in commercial areas." Eight (8) feet – the sidewalks in front of Safeway are four (4), five (5) wide. Eight (8) foot sidewalks in commercial areas – five (5) foot sidewalks everywhere else, the language is black and white. It speaks for itself, it is absolute. There are similar language regarding bikepaths, the local community on the North Shore has basically said that under the Route 560 Plan, we should be looking at making Route 560 more traffic calmed, do not have separate lanes for bicycles. This Plan says separate lanes for bicycles on all State Highways – no exceptions. This is what is in the Plan. Not a single change was made to the draft in September to recognize these concerns and to say that local community input should at least be given some deference. Coming to Resolution that is before you today, I just wanted to point out that it is not just a feel good document, it has real consequences. As we saw this month the Planning document cites and stands upon these Resolutions to justify what it wants to do. Let

us be clear once more. The Resolution provides the Council's full and unconditional support of the Plan. Adopting a Resolution means that the Council supports sidewalks no less than five (5) feet in width in residential areas, no less than eight (8) feet in width in commercial areas, generally on both sides of the streets in all communities. Words matter, that is what the Plan says and that is what the Resolution would say then. Before voting on the Resolution, we respectfully ask you consider doing two things. Number one, please modify the language in the Plan related to sidewalks and bicycles and this is on pages fifty-five through fifty-seven of chapter six. So that they allow for local flexibility and explicitly acknowledges that policies regarding pedestrian facilities and bicycles paths should defer to the desires of the affected local community.

Number two, please amend this Resolution so that it provides explicit guidance to every department in the Administration – including Planning, Public Works, Parks & Recreation, Economic Development, and Transportation that the vision and desires of local communities should be both solicited and given priority. I have proposed in the written testimony three (3) places in the Resolution where you can just add little clause that basically says that application of Complete Streets in this Plan should be guided by the vision and desires of the affected local communities. Again, in closing I would just like to say that we really... I understand the sympathies of the Council. I understand what some of the Councilmembers have said that it is not going to happen, we do not have the money but in the end words matter. You have to say what you mean and mean what you say. What we would ask is that you consider making these changes to both the Plan and the Resolution before you move forward with this. Thank you very much for your time.

Chair Furfaro: Thank you very much and for the benefit of Mr. Charlier, I would like to say that Hanalei is my home town as well. I have participated in the past on the Historic Route. There are certain things that are very clear in the historic value of Route 560 and what you were referencing appears in Chapter six (6), page fifty-seven (57) in the lower right hand corner under pedestrians. I to have some concerns there and I am thinking that simply putting a term that references wherever possible, is something that should be in but it sounds like you have prepared something that is being suggested and I would like to see if my Staff could receive it so that we can look at it. I want to reconfirm as a North Shore resident that I did focus on the right Section that you were referring to – Chapter six, page fifty-seven?

Mr. Imparato: Correct. There are two or three pages and I appreciate what you said that wherever possible but I guess I would also like to see additional language that says, "subject to the desires of the local community." Otherwise "wherever possible" still means whatever the Līhu'e Administration says, "it is physically possible to do this even if the local community has concerns."

Chair Furfaro: Well I will yield my suggestion to what you have given to our Staff. Again, I want to make sure as a North Shore resident and a participator in some of the historic corridors, your point is well taken.

Mr. Imparato: Thank you.

Ms. Yukimura: Carl, thank you. Your points are very well taken. I have two questions, what was that specific example you said about building a building right up to the street?



Mr. Imparato: Right, as you come into... there is a proposal as you come into Hanalei Town from Princeville, there is a vacant lot where a person... an applicant wants to build a small office building.

Ms. Yukimura: And it is in Princeville?

Mr. Imparato: No, it is in Hanalei Town. And the applicant wanted to set the building back from the road and have the parking in the front. The Community Association... he did speak with the Community Association, the Community Association said that in this particular case, it would make good sense because of the landscaping and all. It would not look like a strip mall kind of parking lot in the front. The Community Association drafted a letter to the Planning Department endorsing the idea of setting the building back. Now, when this came up to the Planning Commission, the Planning Department has basically said, "no, we believe that the building should be up close, because in general, Complete Streets principles say you want to make the community walkable." Complete Streets says you do not want strip malls but here you have Complete Streets being advocated once more to basically say that this might be a very appropriate thing to have it close to the street in Kōloa Town, or in Kapa'a. But when you come into Hanalei, things are set back from the street. Again, the concern is that because the Complete Streets Program does not say subject to what the local community desires, we have people interpreting it regardless of local community and that is the issue here.

Ms. Yukimura: But absent even Complete Streets is not part of the reason you do not want cars going in and out off of the main highway... that if you have people just going back to park, you would not have that... I do not know the specifics.

Mr. Imparato: That would be the issue here because either way there will be a driveway off the highway which in one (1) scenario it would go behind the building. In the other scenario, it would in front of the building but in either case, there would be only one (1) entry exit from the highway. That part is not different in either case. And again, I am not trying to advocate for the particulars of this project but the real concern was that the community had worked together with the developer to find something they felt was appropriate for the community and that was just basically ignored completely because the Complete Streets document basically does not say anything about mitigating the policies based on the desires of the community. That is my point. It is not so much this particular project, but that it is important that in your policies and Resolutions if you believe it is the appropriate thing to do, that you say that these policies should be flexible and taken into account the desires of the community.

Ms. Yukimura: My second question is, who is the local community?

Mr. Imparato: That is always going to be a challenge and in this particular case the example I brought up, of course, we had the Hanalei Town Community Association basically take a formal stand on this particular issue. As to in the future what the local community is – that is always a legitimate question. In the 2000 General Plan did actually talk about the Planning Department creating and you probably know this better than I, but creating mechanisms to work with local community organizations. Community organizations being non-profits that

meet certain criteria, I believe the Hanalei-to-Hā'ena Community Association met those criteria but those kinds of things were never implemented. I do not mean to say that I believe what I believe should go here... what Maka'ala and I, we are testifying should be done in every particular case. I think what we are saying is that local community input should be solicited and given serious consideration. One (1) last thing, I would say that I do not know of no one who is opposed to the idea of making Hanalei or any place more walkable or more bicycle friendly. The issue is doing this in ways that are appropriate for the local community.

Chair Furfaro: Thank you very much. I am going to bring up Mr. Charlier and see if we can have further dialogue on that subject. Jim, first of all let me say "welcome" and also on behalf of the Council and the County of Kaua'i, your commitment to working on our Plan and other specific areas of our island that need attention is very much appreciated and we are very pleased with you being the consultant on this matter.

JIM CHARLIER: Thank you. I am pleased to be here and let me respond to your questions and comments.

Mr. Kagawa: Based on what Carl just presented – us approving this Resolution is that giving the County permission or recommending that all of our streets and sidewalks be accommodating for bikes and... basically, are we saying that we want all of our sidewalks and streets to be cemented and be accommodating for bikes?

Mr. Charlier: As I lead up to giving you a direct answer to that, this is a great conversation. This is the conversation you should be having in my opinion. It seems like we might all agree that we want our communities to be walkable and bicycle-able. It is not what we have done, so now we are to the point where we do agree that we want to do that and we are working out the details and so it is a great discussion and I applaud the exchange. It is kind of exciting frankly to sit here and if these are the remaining issues, we have come a long ways. So, no, I do not think we want to do that. Many of our client jurisdictions have exactly this concern. Coconino County of Arizona, did not want paved sidewalks and paved streets. They debated for months about whether they like having the word urban in that or not and they ended up most of that system is unpaved. When we did the plan for Kailua on the Windward Coast of O'ahu, those citizens said that they did not want sidewalks along all of their streets and so they are working on an alternative to that, what some of the folks here had talked about. Let me take a step back and answer a question that was sort of implied in your question which is what is the vote today mean and what opportunity do we have to do some last minute tweaking? We try to keep track so that you would have confidence that when you do vote because nobody knows every single word in this document. So what we did, is we had a Council draft that we presented to you in September. Based on your comments at that meeting... Council comments at that meeting, we made changes and there is a list on the website of the changes that we have made. We published what we called the final draft. The next one (1) I think we will call "the final and that is final." I was joking with Celia that we used to have a stamp at Florida DOT that said, "draft and that is final." What we have been doing is, we had an exchange where Vice Chair Nakamura offered some very detailed and just very useful and beneficial comments on the Plan and we replied back and offered in that reply some specific changes that we thought could be made to address her concerns. We obviously we kept track of that and there is the opportunity based on the testimony that has been offered this morning and the things or concerns that

you, Councilmembers have, again, for us to keep careful track of what you say and what we commit to and still have you pass the Plan contingent on us making all of those changes and trusting us to deliver a Plan that embodies all of those changes. So, yes, I think we can do that and yes, I think you do not have to have the process grind on but actually take action today contingent on us making some specific changes. With respect to the issue that is sort of on the floor now, the things we worry about when we write Plans is that exceptions become the rule, is that if you write a Plan that says that this is flexible and you do not make it tough enough then the exceptions tend to become the business as usual – the status quo. Seems to me that you are probably beyond that on Kaua'i now and that we could take the five (5) and eight (8) foot reference out of that paragraph. I understand Hanalei – just to tell you that I had a young Planner working with me and we were standing outside when we did our public workshop at the Hanalei Public School. We were looking hills and the forest and I said, "Patrick, you have peaked. This is as good as it is ever going to be." So, I understand the beauty of Hanalei and I do not want to see it changed. I think it is correct that different solutions work in different places. That specific reference in that paragraph, I think we can take the dimensions out of there and soften the language. I think we can also write a sentence at the front of the... that is actually the land use chapter that we are talking about, we can insert a sentence somewhere or brief couple of sentences that make the point that the citizens are making this morning and you have made that we should achieve these goals of walkability in ways that are appropriate to the local community character. I do think we can do that and I do not think it will take a lot of changes. Some of the other sections that are called out actually do say not just sidewalk, but they say sidewalk or walkway. To me, those things probably still work. Our concern generally is not the existing built communities, it is the new construction. And there's where smart people find a way to avoid doing what you need them to do and so a strong demand on walk facilities and pedestrians walkways is necessary. You really need that to back you up and back your Planners up. I think we can tone down the one referenced to... I am kind of glad I put it in there now because I feel like it has got us this far. It helped us this far and now we have a real tight focus on what we mean and I think that is beneficial. I am proposing to change that one paragraph and then I will add a couple of sentences earlier in that Chapter to make it clear that community character is the most important thing. I think most of the other references are probably... can survive with the existing wording. Long answer to a short question.

Mr. Kagawa: Thank you for your answer. I feel like Carl, I want to see as little cement as possible around our sidewalk areas. I rather see nice grass or trees... Mahalo.

Chair Furfaro: Jim, we have Engineers here on our landfill issue and they leave today.

Mr. Charlier: Okay.

Chair Furfaro: You are here all day?

Mr. Charlier: I am at your service, whatever you need.

Chair Furfaro: And we may have some amendments to introduce.

Mr. Charlier: Okay.

Chair Furfaro: So what I am thinking is I would like to get the landfill presentation started and then we are going to break for lunch at one (1) and see if it is early afternoon that we can come back with what might be some amendments that either you can tell us how you can incorporate our concerns and/or of we amend the Resolution. But I have limited time with these gentlemen and it is also a large and important issue for our community.

Mr. Charlier: I understand.

Chair Furfaro: I am going to move on to the next item.

There being no objections, C 2013-57 was taken out of order.

C 2013-57 Communication (01/15/2013) from the County Engineer, requesting agenda time for the County's consultant AECOM to provide an update on the status of the development of the proposed landfill and Resource Recovery Park: Ms. Nakamura moved to receive C 2013-57 for the record, seconded by Mr. Rapozo.

Chair Furfaro: I am sorry if we have to do this in two (2) parts like we just did in our Multimodal Plan but these are big items on today's agenda and need our attention.

LARRY DILL, P.E. County Engineer: Good morning. We have been working really hard on the Environmental Impact Statement phase of the proposed new County landfill and there is also a Recovery Park. We are here today to give you an update on those efforts. Our consultant, AECOM and their sub-consultant are here with us today and I am going to turn the microphone to them to go through a presentation. We will be happy to entertain any question the Council may have.

Chair Furfaro: Will you be introducing those consultants to us now?

Mr. Dill: With us here today is our prime consultant from AECOM is Frank Cioffi and also we have today as part of our team is Mr. Brian Takeda from RM Towill Corporation. I will turn the presentation over to them.

FRANK CIOFFI: Good morning. Thank you for your time and thank you for seeing us this morning and accommodating us. I am from AECOM and I am managing this overall project with the new landfill and resource recovery park. Brian Takeda from RM Towill Corporation is spearheading the EIS portion of this project, so he is here as well. Also in the audience is Larry (inaudible) from AECOM. We brought him as an expert on resource recovery part and he has helped a lot of Counties implement this type of program. He will be available later as we get into the question and comment period to address points that you may have. Yes, we do have a presentation.

The purpose of this project obviously the overall project as the Kekaha Landfill nears capacity is to make sure we provide for the safe and efficient management of Kaua'i's solid waste. So siting a new landfill as you all know, is a process that has been ongoing really since 2000, at least. It is critical to have that in place by the time in place by the time Kekaha reaches closure. Another key part

of this that the County has identified is the implementation and the planning for a Resource Recovery Park; which we will talk about, obviously a facility to help us reduce, reuse, and recycle and most important divert waste from the landfill.

Really this project culminates in the Environmental Impact Statement, this is a Hawai'i Environmental Impact Statement under HEPA, this is not a NEPA EIS and there are some differences there. Of course the purpose of this briefing is to let you know where we are now, what we have done so far, what is available for your review, where you get those, and what is in those things? Most importantly is to get feedback from you on the things, make sure we are addressing the things you think is important as we move forward to this project, and to let you know what is yet to come.

A brief introduction, I do not think I have to tell anyone in this room about the efforts over the last twenty (20), thirty (30) years. My company formally Earth Tech, did your first site study back in 2000. Brian and RM Towill spearheaded the community criteria evaluation – the former Mayor's Advisory Committee on the site selection. As part of this project we are updating their work there, so we need to provide a new landfill to make sure that they are safe dispose of the waste into the future. We have seen how long of this process this can be. Again, as you know there is a goal to achieve seventy-five (75) diversion not too far off down the line. So, the Resource Recovery Park is key to meeting that goal. Not to say it is a silver bullet or a sole solution, but hopefully be an integral part of the County's overall efforts to divert waste from the landfill. One of the documents that are already out there, it was published last summer, shortly after we had a round of public meetings that I know you folks are aware of and it is available on the website. It is the Landfill siting study. It is on the County website, you see it there – available for review. We looked at a whole host of things. Things that have been looked over at for the last twelve (12) years and we reevaluate them in light of new modern data, the census, other changes that have happened. We have looked at some other factors that have proved crucial to site this facility over the years. So the siting study and it is pretty much the same eight (8) sites that we have been talking about.

There are a lot of places where you simply cannot site a landfill and the siting study has a lot of details in there. We hoped we have written it in a way that is easy to understand, there is a good solid executive summary. In the last section, I know you cannot read this table but I just wanted to point out that the last section of the siting study report, really tried to lay out concisely and accessibly the pros and cons of all the sites. To show way we are recommending that the site of Mā'alo Road is actually the proposed site, the recommended and preferred alternative. Here are some of the reasons for that: ultimately identify the site as a preferred alternative that will carry into the EIS. Really, number one and critical is that this is the only potential willing landowner that we have been able to find and it includes thirteen years of effort, as many of you know. It is also a big site and we see how long this process is taking when one (1) landfill is going to close and you have to site, do your due diligence and get another one up and running – is a really long process.

One (1) of the advantages to Mā'alo is that there is some real estate available to have this be... I mean for practical purposes, nearly permanent solution so that we do not have to be back here in twenty (20), thirty (30) years looking at the next landfill and trying to site another one. Partly because of that and economy a scales and these kinds of things, we have a cost estimate in there, you can see the details

in the siting study report. The Mā'alo site is at least the overall annual cost. The community criteria evaluation when Brian and RM Towill helped the Mayor's Advisory Committee do their evaluation, there were some recommendations that came out of that from the community as well as their framework to evaluate the different sites and they wanted us to update that data, to provide some more solid engineering analysis of the eight (8) sites. So, we really updated their work in this community criteria evaluation and you really can see all the details of that report and obviously we are happy to answer any questions there.

Ms. Nakamura: Excuse me? Has that report been made available to the Council?

Mr. Cioffi: In hard copy form – I am not sure. We have made the pdf available.

Ms. Nakamura: Okay.

Mr. Cioffi: It certainly it could be, absolutely, if you would like a hard copy. So, we did a sustainability analysis, we are concerned of transportation of waste, recyclables, other materials around the island and in looking at the data, we do have – it is one of the more centrally located sites so there is a less overall mileage that waste would have to be transported if the landfill was located here. There is an alternative option for the RRP site next door with another potentially willing landowner, there are ongoing negotiations there. The site located behind the ridge, not terribly close to any neighborhoods, is a relatively low nuisance factor and again there are more details in the report.

Ms. Yukimura: Did you say that there is another willing landowner?

Mr. Cioffi: Yes for the Resource Recovery Park. In yellow, on this figure is the State parcel where the landfill is proposed to be located. The Resource Recovery Park – we are looking at two (2) different options. It could conceivably be co-located with the landfill on the site we have highlighted in yellow on State land and then there is a nearby parcel right across the way on privately-held land, which is another alternative location for the Resource Recovery Park.

Ms. Yukimura: And that land is going to be donated to the County?

Mr. Cioffi: I am not sure what the exact land agreement might end up being.

Chair Furfaro: Excuse me.

Mr. Cioffi: I cannot answer that.

Chair Furfaro: Let us make the whole presentation because we are going to need to break for lunch and then we will have Q&A when we come back. Please, let me encourage you to write your questions down. Certainly, you can ask a question if you need some clarity on whatever narrative they... but let us not break off on to Q&A at this point. Thank you.

Mr. Cioffi: The area highlighted in yellow on State land is the proposed landfill site at Mā'alo . The Resource Recovery Park will look at the alternatives in the EIS project and it could be co-located on this site or close by on privately owned parcel. There are tradeoffs to doing it one way or the other. There are ongoing negotiations with the landowner, so that is not to determine yet and we will look at some of the pros and cons of those two different options. You can see the landfill as located as, I am sure you know that is located right behind the ridge and that will provide some protection against wind and some of the visual and other what we call nuisance factors there compared to some of the relatively speaking compared to some of the other sites.

One of our second major tasks in this project is to do a feasibility study and a conceptual design of the Resource Recovery Park. We have recently published the draft of the Resource Recovery Park feasibility study that is available on the website and we can provide hardcopies if you would like. The draft feasibility study, we looked at all types of facilities, technologies, processes we could use to divert waste from the landfill and tie them back to really what we have on Kaua'i, what our waste stream is? What the projected growth is? Our composition, and to try to find out which made sense and which technologies and facilities are feasible for the island. There is a lot of detail in the Resource Recovery Park feasibility study and there are details in the report and we will be happy to take questions later. But in the interest of this presentation, I am going to go over this pretty quickly where as there are a lot of detail in there. Ultimately, the draft feasibility study has some preliminary recommendations, the two nights we went out to the community in Hanamā'ulu and Kekaha to get some feedback on what they wanted to see? What their comments and concerns are when we... and we will be making all those comments we received available, we are going to try to address every one of them when we put together our final feasibility study including any comments and concerns you folks might have that you want us to address.

Our broad recommendations and there are more detail that I am showing in here: recommends the following facilities, this integrated public drop off and reuse facility – this first one actually includes up to nine (9) sub-facilities that could be there. That could be things like E-waste collection and recycling, and household hazardous waste and some of these things are things that the County does occasionally on special events, but we will make this available year around. Really the whole idea, I should say behind the Resource Recovery Park is if you have this one relatively centralized facility where all the various options for recycling, reduction, reuse, other diversion strategies where a person or a business, anybody on the island can go and take care all of their waste needs. Then at the end there is also a provision for any residuals or actual waste that needs to get landfill, can be dropped off as well.

So this integrated drop-off facility has a lot of sub-facilities included in it. It might have construction and demolition waste and we are trying to provide – to design a facility ultimately that the County can implement as it makes economic sense to add onto it, that can also respond to changes in the future as new technologies either arise or become more affordable or more feasible to Kaua'i waste stream. This is kind of a conceptual picture of our materials recycling facility and this is really a central component in that it is going to interact with the County's Plan to do single stream curbside recycling. Single stream meaning that you can put all of your recyclables in one (1) bin and you do not have to have a bucket for cans, for glass, for paper and again it goes to the convenience it is whether it is residential and especially for business, we hope to encourage more recycling and



diversion. The single stream waste then gets brought into this Material Recycling Facility, or MRF and that does the separation of the various components that your glass comes out and magnetized things to pull out your ferrous and cans and mechanical means of separation. These are the modular things you can build up and go into even more detail if it makes sense in the future and pull out other streams as well.

We also recommend a composting facility and with respect to the MRF and the compost facility, what we are trying to put together for the Resource Recovery Park is a facility design that can be implemented and it makes sense. A lot of the things we already have on the island. You have Heart and Soul and other facilities doing composting and so as long as it makes sense for them to keep doing it, they can keep doing it. The County has the option of supplementing that here or if something happens to their operation, you are going to be able to jump in and take care of it at this site. So not all of these things would necessarily be in operation on day one, some of the existing stuff that already happens on-island in a decentralized manner will make sense to continue doing that and hopefully this will actually work with that rather than compete or necessarily displace those things, unless it makes sense. This would give the County options into the future as conditions change. There are several options with the composting facility and we go into some detail in the report of things that you can do. Another facility that we think should be part of the Resource Recovery Park is the Landfill Gas Energy Facility. The landfill naturally generates what we call landfill gas which is about fifty percent (50%) methane and if we can capture that and we will capture it in any case but if we can use it at a gas energy facility, we can create electricity that could be put to the grid or used at this facility or at the landfill and put to use there. Another nice benefit of this is that methane is a really strong greenhouse gas so if we use that to make energy, the CO<sub>2</sub> that it breaks down to is much less damaging. They say methane is a more powerful greenhouse agent than CO<sub>2</sub>, so we also did some good there. There will be some time until there are enough waste in the landfill so it makes sense to implement this. In early years there just will not be enough quantity to justify the capital outlay. This is one thing like many of them that you can implement modularly that we called out may be a minimum practical size that you might implement at sometime in the future after the landfill is up and running. We also looked up waste to energy and there are several different possibilities there including the familiar one – the mass burn. We are not recommending that at the time and mostly due to the economics of a facility of that nature and the capital outlay and also due to the quantity and composition of Kaua'i's waste stream. That might make sense in the future, the technologies can change, the waste stream can change, the population can grow. Again, we are trying to design this facility that is still going to be a good, strong facility decades out. So that is a possible future component.

The next step for the RFP, the draft RFP is out on the website. We want to get all the feedback we can from all parties, and hope to address them in the final one which again will go out to the website - available to the public. After that, we will do site specific design – how might these things be laid out, what is the most logical and convenient flow of things? All of these things will identify the environmental both positive and negative of this facility and that would feed overall EIS process.

The next section I think I might go through pretty quickly. So I do not bore you. One of our major tasks is to obviously design the new landfill. And we are going to do - we have done some initial investigations. We are going to do our engineering



calculations, our facility layouts our schematics, these things when we get into those details - let us put together cost estimates as well. There are a host of Federal, State and County requirements, regulations and rules that obviously this facility is going to meet or exceed. We will be doing site-specific design to integrate the site environment, the surface water flow, groundwater concerns and other issues will be integrated into the design to try to mitigate potential impacts. Design the Environmental Protection Systems and it will be laid out in the design of the facility and then analyzed and put out in the EIS. So one of the things that we found in the past and this is a picture of an old landfill we worked on in O'ahu. We are hoping to distinguish between the old-fashioned dump sites and modern landfills and I know we have some here on-island too where we had very little environmental protection. Some of the major impacts are obviously ground water, surface water is a big concern, the methane gas, odor, visual impacts, noise, dust, and economical and cultural impacts of siting the landfill. This old one here that we worked on in Waipahu, you can see this photo is actually from 1968 when it was in operation. There is open burning and you see how big it eventually got, it reclaimed some of the Pearl Harbor just by depositing waste and things like that, we have seen these back in the old days on all the islands. So we kind of know the broad categories of environmental impacts that the old dump sites used to have. A lot of regulations and rules - State and Federal and the County had been put out to address these things and there is minimum requirements which would likely exceed at this facility in our design. Also, the Department of Hazardous Waste Branch takes a very active role in reviewing plans. Making additional requirements, regulating the way these things are done. Neither of these facilities will be ultimately built without their approval, their permits that they will issue. They are there all of the way from cradle to grave and we monitor these sites annually and they review those things even after the facilities are closed. I should probably move quickly through some of this stuff but there are going to be a lot of these controls in place to protecting the environment. The broad categories are through the siting, the design, operational and monitoring requirements.

Again, back to the siting study - the areas in red here, we did an analysis on the islandwide basis of the, "where are all the places you would definitely not put a landfill?" On the left, some of these are strictly regulatory restrictions where you would not do it or should not do it such as tsunami zones, all of these other things listed over there. On the right are additional things both we recommended not doing and the public through the Mayor's Advisory Committee and past meetings of whatnot where they have said, "we do not want it too close to urban land, potable water, these other things listed here." The red area kind of conglomerates those things and then you can see even what is left over, some of that is just not feasible, some of these mauka areas or other sites. So that is where we think - it is never a perfect world, but we think we have come up with the best location of the sites we have identified - that we are recommending.

There is lot of control system that go into the modern landfill, the bottom liner system which catches the moisture out of the waste over time and that is collected and treated. The landfill gas is treated. There are operational things. You build them up incrementally you build them up incrementally, you have the final cover and then the monitoring points outside or on the parameter, you monitor the groundwater, the gases to make sure things are not migrating off-site and give you an early warning should they... you can respond to it. That is an ongoing process. There are these host of controls that are intended to address all the issues that we have seen in the past with landfills and dumpsites. Some of these will go into the design before the facilities, the monitoring and all these things during

operating practices and then afterwards for a long time if these things are properly closed, covered, and monitored and DOH is right there every... all the way monitoring what we do. Because this proposed site is actually located above the UIC (Underground Injection Control) line, the DOH has already indicated that they are probably going to recommend we probably go with the double liner. I am showing a single liner here which itself have a lot of components – synthetic clay, HTPE, drainage control layers and all that. We may actually end up with double liners if this site is ultimately developed.

Ms. Yukimura: Can you tell me what UIC stands for again?

Mr. Cioffi: Underground Injection Control line. So, on a high level planning line they just say that this line is drawn across all the islands and so if you are *mauka* of that, it could potentially be a drinking water source but if you are *makai* of that, you probably will not. So, it is an initial guidance and then sometimes you will go down to the site specific level.

Ms. Yukimura: This site is above?

Mr. Cioffi: It is, yes.

Ms. Yukimura: This site is above the UIC line?

Mr. Cioffi: That is correct.

Ms. Yukimura: Underground Injection Control line.

Mr. Cioffi: That is correct.

Ms. Yukimura: Thank you.

Mr. Cioffi: DOH has already told us because of that, they are going to recommend that we go with a double liner with redundantly (inaudible) system to protect this site. It looks like this site also has clay soils which will provide a further layer of protection even beneath the facility itself as compared to Kekaha which has sandy soil, so things can travel fast – that should not be the case here.

In conjunction with the liner, these leachate collection systems to gather that leachate, take it out and treat it. There are cover systems, short and longer term and final covers to stop rain water from getting in so that eventually the leachate stops being generated. What we are showing here is during construction on the bottom left and afterwards on the top right, the aeration system existing at Kekaha is the same kind of facility that you would use as a water treatment facility where it is a aeration system and it is again a lined pond and that is what we are using at Kekaha now. So we will probably have something similar or recommend something similar out here.

Again, there is ongoing monitoring both groundwater and leachate monitoring and overtime the composition of that water that is coming out of the waste will change. So we are always monitoring the leachate so we know what is in there – what concentrations and then we use that in conjunction with the groundwater monitoring to make sure those things are not showing up outside of the landfill. If they should, we can address them and it is done pretty much at the

site parameters and so before it gets far. We also monitor for landfill gas – potential for that to escape at the site parameter. So this goes on beforehand so we know what the existing groundwater conditions are, that would happen before we ever constructed the site, we would have some wells out there to see what the actual existing conditions are beforehand. We would do that either biannually or quarterly – two (2) to four (4) times a year during the landfill site operation and then for many years after it has been closed. Each time that gets monitored, DOH as well as we are paying close attention to the results there and as I said there is a final protective cap that gets installed that stops the infiltration of rainwater, so that eventually leachate stops being generated. It also lets you plant and have some mitigation of the visual impacts if you can plant those surfaces after the landfill or the portion of the landfill is closed. With a big site like this, we would not go out there and build it right off the bat, we would build it piece by piece, incrementally as we need it and close it piece by piece once a portion of it has been filled.

Landfill gases control will absolutely be active and collecting the gas that is generated naturally in the landfill from the beginning and then once it makes sense we would actually recommend generating electricity from that gas. But in any case we collect it and make sure it is not escaping fugitively on its own. There is an opportunity for what is often called green power to come out of this as well.

We will be designing proposed surface water controls, and these will be available for review and the draft EIS so that we can get feedback on those before we finalize the EIS and way before we do the detail design which would not be until and if there is an approved EIS. With surface water protection right now, it is most likely that we are going to recommend that it is all managed on-site so that surface water does not leave the site to protect nearby resources. Also, the surface water, the rain water is kept separate from any water that might touch waste. The minute it touches waste, whether at the working phase of the landfill or the drop off areas, we will managed that separately along with the leachate. Visual impacts are obviously a big deal, it is a visual corridor out there on the Mā'alo Road and one of the main strategies there is to use vegetation both near the viewpoints and on the landfill itself to try to mitigate those impacts. And then again there are a lot of things that you can lump under nuisance, and a lot of the control strategies for these are operational/best practices, things you do out there, paying attention every day, these are things we already try to implement out at Kekaha. That is where these pictures are from. DOH will also review the operations manual that proposes all of these things and that is a three (3) inch document with requirements and best practices that they will have to follow out there. Finally some of the other controls is waste acceptance criteria: there is basically two (2) kinds of landfills. There is what you call a record (D) which is what this is. We are only going to except non-hazardous waste. The other kind is a record (C) landfill that accepts hazardous waste and that is not what we are proposing and so certain materials are not allowed into this. In fact, even within those materials that are allowed in there, we hope that the Resource Recovery Park is going to help us divert some of the more harmful part of that waste stream. Things like – household hazardous waste which could even be detergents or E-waste, we are hoping that the RRP will help us divert some of that material and lessen the potential impacts there. As you folks are well aware the County has to maintain financial reserve throughout the project and well after it to make sure all of these control systems and monitoring systems are kept in place and actually an additional contingency in case there should be an event, and then you can make sure somebody is able financially to respond to an event.

I do not think I need to summarize all the things that I just said. We have a handle on what the potential environmental impacts are and we think we have ways to address all of those. We will constantly be under DOH Hazardous Waste Branch oversight and frankly, they get more and more stringent every year and they do a service to the people. I will turn it over to Brian Taketa to talk about the EIS.

**BRIAN TAKETA:** The environmental documentation that will be prepared for this project will be handled under Hawai'i Revised Statutes Chapter 343. And under Hawai'i law the EIS will constitute a disclosure document deciding to share information about the project, identify the potential for environmental effects, identify mitigation measures to address the effects and other required information to allow the public and the community to be participants in the process. The draft and the final EIS will include a section documenting all of the public comments that we received, and to ensure that all relevant issues are addressed, we will also be documenting each of the events that we held in the manner of the public meetings as well as any written comments that are submitted for the project. The total public input into the process will be solicited with a series of three (3) public meetings. And there will also be a commensurate public mail-in period associated with that. This slide essentially shows a summary of the documentation that is currently underway. We held a series of public informational meetings to receive public comment on the preparation of the EIS documentation. This started in the Līhu'e, Hanamā'ulu, Kekaha, Kōloa, and Kīlauea back in July of 2012. As Frank has indicated, AECOM has concluded both its siting study in August of 2012 and more recently the Resource Recovery Park Feasibility Study in January 2013.

**Ms. Yukimura:** Excuse me?

**Mr. Taketa:** Yes.

**Ms. Yukimura:** The EIS is on the landfill or is it on both?

**Mr. Taketa:** It is on both.

**Ms. Yukimura:** But has the Feasibility Study been completed of the Resource Recovery so that the design and contents and everything is known so that you can do an EIS on it?

**Mr. Cioffi:** Well, the draft one has been completed and we have preliminary recommendations that we are putting out to the public and yourselves to get your feedback on that and then we would finalize the Feasibility Study. So that once we know the range of potential facilities that can be there, we have to know what could possibly be there before we can look at the impacts and the EIS. So, we put out the draft, we did our analysis, made initial recommendations, we are going to take the feedback and finalize that. That will tell you what the potential impacts are and that will feed into the EIS process.

**Ms. Yukimura:** But how can the public...

**Chair Furfaro:** Excuse me. We are almost finish with the presentation here, your next critical date for you is February 8<sup>th</sup>, am I correct?

Mr. Taketa: I would just like to clarify the date. The date is a tentative one.

Chair Furfaro: Oh okay.

Mr. Taketa: And that is the date that we are trying to accomplish for the publication of the document that is now before the Office of Environmental Quality Control.

Chair Furfaro: And I will give Councilmember Yukimura the floor.

Mr. Taketa: That is the date that we are trying to accomplish for the publication of the document, which is now before an Office of Environmental Quality Control.

Chair Furfaro: Okay. I will give Councilmember Yukimura the floor after we finish this piece. I will give her the floor first.

Mr. Cioffi: If I could follow up on that a little bit, the official E.I.S.P.N. is published by the O.E.Q.C. That only happens twice a month. We have already put out the draft E.S.P.N., which I think will be almost identical to the official one. The draft E.I.S.P.N. is already out there and available for review.

Chair Furfaro: Okay. Let us continue with the presentation.

Mr. Taketa: Essentially there are three (3) documents that will be published as part of the E.I.S. The first is the preparation notice or the item dated February 2013. The second document will follow once we receive public comments and other input from agencies, and that will result in information being used to prepare a draft E.I.S. Our target at that time will be Summer of 2013. There will be a series of public meetings, as well as a mandatory forty-five (45) day public comment period that will be used in order to obtain feedback and information for the preparation of the final document, which is the final E.I.S. That is being looked at in terms of Fall 2013 and Winter 2014 timeframe. As Frank has indicated, the documents involving the siting study, the Resource Recovery Park Study, as well as a draft of the F.E.A. E.I.S. preparation notice is available the County's website. That would be [Kauai.gov/newlandfillsite](http://Kauai.gov/newlandfillsite).

This slide simply summarizes the three (3) rounds of public meetings that are being held for the project. Initially, there were four (4) public meetings that were held. We used the comments for feedback into the preparation of the E.I.S.P.N. document. Currently, by next week, February 5 and 6, we will be going out to the community once again to obtain feedback, comments, and other recommendations that will help us as we prepare the draft E.I.S. In the future, later in 2013 Summer, we will have two (2) more public meetings, as well as the opportunity for further written comments to be provided. As a result of the meetings that we have already had, this simply provides a summary of the general categories of comments that we have obtained. These run the range from "the design of the landfill," to "matters involving the process for the E.I.S.," to "other environmental issues" such as environmental monitoring, air quality, wildlife, cultural resources, et cetera.

Mr. Cioffi: The other point is just to point out all the comments that we received back in May and June during the four (4) public

meetingss and during the mail-in period, et cetera, those are all listed in the E.I.S.P.N., so you can see what the public asked us and what our responses were. That will happen for the next round of public comments, as well. The D.E.I.S. and the F.E.S., what all the comments were and how our response or how we addressed them. That is our presentation. Thank you for giving us this time.

Chair Furfaro: Okay. Gentlemen, first of all, thank you very much. Before I give the floor to Councilmember Yukimura, I want to revisit this. We were promised periodic updates by the Engineering Department on this. Therefore, it is still and I am confirming, we are getting this update. We will get another update mid-year, so when it comes to the D.E.I.S. and towards the end of the year, which looks like when we are filing the final E.I.S. We appreciate you being here and now I am going to turn the floor over to Councilmember Yukimura for her questions. You have the floor, Councilmember.

Ms. Yukimura: Thank you. I first wanted to understand the relationship between the feasibility study and the completion of that and of the E.I.S., because as I understand feasibility studies, they lay out the issues of feasibility. Then the County makes a decision as to what is going to be feasible there, and how they want to actually—what they want to do there and how they are going to do it, and then you do an E.I.S. on whatever is going to be proposed for there. For me right now, it looks like—and I have a lot of questions about the feasibility study, but it looks like a moving target. How can the public comment with any kind of specificity on something that they do not know is going to happen? You cannot really tell what is being proposed.

Mr. Cioffi: You are exactly right. The feasibility study determines the facilities and then you can do an E.I.S. because if you do not know what could be there, you do not know what the impacts are. In a certain sense, the feasibility study should be understood it is not technically part of the E.I.S. process. It lays out an integrated facility. Now, we have identified a bunch of technologies that we think it makes sense. For the County to go and build them all at once is going to cost a heck of a lot of money, so the County may decide to build each one of those subfacilities, if you will.

Ms. Yukimura: I am not talking about the sequence. I am talking about what is going to end up there because presumably the E.I.S. comments are what the environmental impacts are cumulatively and on a long-term basis. That is my question. If you are soliciting comments on the facility, but you do not even know the feasibility study that will determine what the facility is, is not even done and the conclusions of the County based on the feasibility are not known, how do you do a parallel E.I.S. on it?

Mr. Cioffi: We are doing that. We are putting together an overall facility that describes all the different components that could end up there. It is a facility design and once you know, there are thirteen (13) things that could be sited there. If you know what the impacts are, then you can do an E.I.S. It is important to realize that in the track for the H.E.P.A. process that we are on, there are three (3) documents. The one we put out now is the E.I.S. preparation notice. What we are saying right now is that we cannot just do an E.A. We have to do an E.I.S. The first E.I.S. strong substantive E.I.S. document, is a draft E.I.S.. We are working towards that. The feasibility study gets us there to exactly what you are describing.

Ms. Yukimura: Okay. But in your preliminary E.I.S., I went to your meeting in Kōloa. I asked you to look at the decentralized and centralized issues. If the County decides to put hazardous wastes or even do compost-gathering at the transfer stations—or I am going to ask you, what is the most cost-effective arrangement, I presume you have looked at it since you got the input in the preliminaries of doing two (2) composting sites on the island instead of people from Kekaha having to come to the Mā'alo site to drop off composting or to even pick up. What if then the County decides that we are going to do it decentralized and it is not going to be there, then to me the E.I.S. has to be based on what is going to happen in the satellite stations as well. That is what I want to ask you first of all. Has your firm done feasibility study of a resource recovery plant previous to this?

Mr. Cioffi: Absolutely, yes. We have implemented many for municipalities.

Ms. Yukimura: Okay, good, thank you. Can you provide the names and contact information for the three (3) that you have done?

Mr. Cioffi: We could do that.

Ms. Yukimura: The most recent...no, not the most recent. The oldest ones that have you done.

Mr. Cioffi: The oldest ones?

Ms. Yukimura: Yes, the ones you have done the farthest away in time because we will have a chance to see how it unfolded. Have you looked at the satellite feasibility and cost-effectiveness of each product that you are saying might be at the centralized resource recovery place?

Mr. Cioffi: I am sorry. I did not quite understand the question.

Ms. Yukimura: Has your feasibility study taken into account, the comparative cost-effectiveness of doing each product, whether it is hazardous waste, green waste...what are your other possible? Metals? On a decentralized basis versus a centralized basis?

Mr. Cioffi: The County already has it. The R.R.P. is the central component of the overall County Solid Waste Management. Really, this is one of the things recommended in the County's integrated solid waste plan and that is the plan that addresses all the things, whether it is Ordinances or Regulations or things that you put out, the satellite, the transfer satellites, landfills. It recommended that resource recovery park. We do not want to say that there is resource recovery, while it is a centralized facility that helps implement all of those things, it is not the end-all of waste management. What we are trying to look at here is just the park itself.

Ms. Yukimura: Wait, hold on.

Mr. Cioffi: We did an E.I.S. of how it interacts with some of those other things, but we are not designing the entire solid waste (inaudible).



Ms. Yukimura: We do not have money to do everything that might be "good" and "nice." Solid waste is taking a tremendous amount of the County's Budget. We just did a Multimodal Transportation Plan that looked at what is going to be the most cost-effective way to design our system into the future, in terms of development, maintenance, and operation. It might be more feasible, cost-effective—we cannot do it all. We cannot have all of these satellite stations and a central. Do you know how much manpower that would take? So part of the feasibility study should be a comparison of the costs doing decentralized versus centralized. Is the answer "no," you have not done that in the feasibility study?

Chair Furfaro: Excuse me, let me give the floor to the Engineer and the County Attorney who represents this project. Mauna Kea, would you like to contribute something to this discussion?

MAUNA KEA TRASK, Deputy County Attorney: Yes, Chair. Thank you. Very briefly. For the record, Deputy County Attorney, Mauna Kea Trask. This might assist in the discussion currently. I would just like to note for the record that under the H.A.R. applicable to E.I.S. is specifically, Section 11-200-17(f). Currently as Mr. Cioffi had explained, we are working towards the draft E.I.S. "The draft E.I.S. shall describe in a separate and distinct section alternatives which could obtain the objections of the action regardless of cost, in sufficient detail to explain why they were rejected." One of the things that we have to look at is everything, and that cost consideration is largely up to the decision-makers at a later date. At this time, we are to look at everything, regardless of costs, per the H.A.R.. I just wanted to add that.

Mr. Cioffi: Thank you. The D.S. looks at all the alternatives...

Ms. Yukimura: Have you looked at a decentralized versus centralized alternative for each of the products or the proposed facilities that you would include in the resources recovery park?

Mr. Cioffi: We are doing an alternative analysis, so we are looking at those things. We are looking at how this can complement existing facilities. To answer your previous question in terms of the costs, the E.I.S. is not supposed to address costs. It is supposed to address impacts and alternatives. We are also providing the costs estimates at the resource recovery park, which the County could then compare to what their existing costs are. We are giving you a breakdown facility by facility at the R.R.P. so you can decide, which one of these implement today? Which one will we cut off? You can compare them. You will have the basis, but that is not part of the E.I.S.

Ms. Yukimura: Of course not. It is part of a feasibility study. Cost is a really important part of a feasibility study. That is what I am asking you. What are the alternatives that you are looking at?

Mr. Cioffi: Those are in progress right now. We are working on them and those will be laid out in great detail in the draft E.I.S. They are actually outlined to some extent in the E.I.S.P.N., so you can see some of the details towards that, but that is a work in progress.

Ms. Yukimura: Okay. Do they include an analysis of decentralized versus centralized on each of the elements that might be in the resource recovery park? Yes or no?



Chair Furfaro: Well, first of all, let us not get it boiled down to a "yes" or "no."

Ms. Yukimura: Okay, I agree, Chair.

Chair Furfaro: Let them finish and explain their position as our consultants. Please expand on that. I am not looking for a yes or no.

LARRY DILL, County Engineer: County Engineer, Larry Dill for the record. I wanted to clarify, Councilmember Yukimura. Our charge to the consultant is to do an E.I.S. on a resource recovery park and a landfill for the County. You have an excellent point about centralized versus decentralized system, but we have not addressed that particular issue as part of the work they are doing now. If I may finish, what I thought was presented very clearly at the beginning of his presentation. This resource recovery park is not meant to preclude any decentralization of those services. As we all know and as was noted we are pursuing those things in a decentralized basis right now, with many components of the system. We will continue to do those and only locate them at a resource recovery park if it makes sense to do so for this County.

Ms. Yukimura: Larry, you said they were just authorized to do a list of things and you did not include a feasibility study?

Mr. Dill: The feasibility study is the feasibility of a resource recovery park at that location. They look at what is feasibility to that resource recovery park at that location.

Ms. Yukimura: What use is that information unless we know what the alternatives are to doing that? Maybe we should not do it at all. But not at all in terms of do not do it. It would be terms of doing it in a decentralized fashion. That is the information we need to now before we decide whether to put it there. That was my concern from the beginning that you were throwing so many things together, you would not have the kind of careful analysis that you would need to make these investment decisions that are huge.

Mr. Dill: I know that was discussed, but this Council approved the funding for this program as it is going forward on this basis today. We know that there are other resource recovery parks integrated and collocated with landfills in other places successfully around the Country. We wanted to make that an opportunity for us to pursue, if and when it makes sense, when it came to development of the facility.

Ms. Yukimura: I know, but how do you judge whether it makes sense or not, unless you have looked at alternatives?

Chair Furfaro: On that note, we need to break for lunch. It is 1:00 p.m. and I have already moved the Staff back half an hour. I would like to start this at 2:00 p.m. sharp. When we return, Councilmember Yukimura will have the floor. Then Mr. Kagawa will have the floor, followed by Mr. Bynum.

There being no objections, the meeting was recessed at 1:02 p.m.

The meeting reconvened at 2:04 p.m., and proceeded as follows:

Chair Furfaro: Aloha. We are back from our break for lunch. Again, I am going to reiterate the fact that it was almost twenty (20) months ago that we did approve this agreement and contract to move forward. I do want to say that on or around February 8<sup>th</sup>, all of the particulars on the agreement we entered into eighteen (18) months ago, I would assume is available on the website. I would encourage members to be as familiar as you can with the material that was posted. Along the same lines, just to remind everybody that when we get to mid-year, this year, we will be getting an additional update. May I ask the contractors to be available again? I am going to turn the floor over to Councilmember Kagawa as Councilwoman Yukimura is complete with her questions. I want to remind all of you we have Executive Sessions today. We have contracted Attorneys to call and we are on the second item for the day. Mr. Kagawa, you have the floor.

Mr. Kagawa: Thank you, Mr. Chair. I want to thank you all for your presentation. What I am most happy about that we are finally looking at moving from Kekaha. I was born and raised on the Westside. My roots are on the West side, and I think Kekaha has run its course. We need to put the landfill somewhere else, not on the Westside. I think this Mā'alo site will be doing just that. I thank you for what you are doing and progressing in this manner. I just have a couple of questions. I heard you say about looking at HPower, that we currently do not have enough rubbish to do that. What is your response to that?

Mr. Cioffi: We do have some details of that in the draft study. Basically, if you look at the entire waste stream and project that out, we are only using a twenty (20) year horizon; twenty (20), twenty-five (25) years. So going with population growth, you have a certain composition of percentage of organics, paper, and things that are combustible, and a certain percentage that is not. What we came up with was that by the end of that period, which is another twenty (20) to twenty-five (25) years from now, if you were able to incinerate all the material you can incinerate, you would be looking at the facility that is about the tenth of HPower. I believe it ends up being an eight (8) megawatt facility, and that is on the order of seven (7) percent of what Kaua'i Island Utility Cooperative (K.I.U.C.) can provide. Just to give some perspective there, and that is if we are able to get it in all in there and combust everything that is combustible, using what we know now and the projections for the future. That is on the order of a hundred thousand (100,000) tons per year of waste could go through there. It is important to remember that a lot of it that comes back out, the ash has to be landfilled. It is not like it goes away. There is still a significant amount that is landfilled on the backside of HPower or a similar facility here. At that point you are looking at one of the smaller, normal commercial-type facilities to process that size. It is just a very expensive technology. It also brings in more potential impacts than a lot of the other technologies to do incineration. There are more details in there that hopefully answer your questions.

Mr. Kagawa: I was an analyst about twenty (20) years ago and I was handling Solid Waste at that time as an analyst. I even went to Washington, D.C. with then Councilmember Kouchi, and we even went to see some plasma arch people that wanted to do that here. That is different from HPower, but plasma changes it to some kind of base course for the roads and some usable by-product comes out of it. Is our rubbish too low for that also?

Mr. Cioffi: The plasma arch, and I do not know if I can answer your question. We can bring Larry up, who is really our expert in this field. It is

still an emerging technology. You cannot point to large commercial facilities that are really operating efficiently and more importantly, consistently day in, day out that we could rely on. We just do not feel it is a robust, mature technology we could recommend. One of the reasons that we are saying that the general waste energy, and that could be any of those things like mass-burn. We want to leave in the plan for the facility as an option for the facility. Plasma arch or existing facilities, if smaller things more economical things become feasible, we are hoping that we are giving you a plan that lets you change in the future.

Mr. Kagawa: This may be a crazy question, but I am just going to say it. Is there any possibility when you say we do not have enough usable materials to make it feasible, is there any possibility of digging up the old stuff and using that?

Mr. Cioffi: That is an interesting question. Like the old Phase 1 Kekaha is what you have in mind.

Mr. Kagawa: Yes, what is already buried.

Mr. Cioffi: It is an interesting question and there are a lot of impacts with that. You would certainly have to do an E.I.S. to do that type of project. That would probably have to be a (inaudible) because it is completely different location set of concerns. Technically, yes that is feasible, but there are a lot of issues around that.

Mr. Kagawa: Thank you. Final question, in the feasibility study, can you or did you look at how much gas we would be saving from having the Mā'alo site instead of the Kekaha site? Because I imagine we are burning an awful lot of gas. That is typically done all over, probably when gas was cheaper. They always say, "Let us put it out in the boonies. That way we will get less resistance, but this is going to be pretty close to the smack of the most highly populated areas. I think it makes more sense. That is where most of the rubbish is generated. Did you look at any gas savings?

Mr. Cioffi: We looked at that in the siting study. We did not bring it down to dollars or gallons of gas, but we absolutely look for all of these sites based on what goes to the transfer stations, and the data that we have now and the distances. We do have some numbers there. Basically, we did it in terms of tons of waste for "X" miles of travel. We kind of captured that, though we do not have it in gallons. That is one of the sustainability factors we talked about from Mā'alo. Some of the eight (8) sites that are closer to the waste-generation or population center like that one have advantage. That is one of the pros we identified from Mā'alo.

Mr. Kagawa: Thank you very much. Not to say that I endorse the Mā'alo site. There may be issues with that site that I might not be aware of. Of course there could be traffic issues, and I would hate to be the Councilmember who approves of that and it causes bigger problems. The happy thing that I am most satisfied with is that we are looking to get Kekaha to an end. Thank you very much.

Chair Furfaro: Mr. Kagawa, and I am go to Mr. Bynum. Mr. Bynum, we have to take a tape change. We are on a short recess for a tape change.

There being no objections, the meeting was recessed at 2:13 p.m.

The meeting reconvened at 2:16 p.m., and proceeded as follows:

Chair Furfaro: Just a reminder everybody, after we finish this briefing, we are going to go back to the Multimodal Transportation Plan. I want to remind us that at 3:30 p.m., we have a presentation for recognition for Westside Hanapēpē Junior Cheerleaders. Then at 4:00 p.m., we have a scheduled conference call with one of our Attorneys regarding an Executive Session. We have got much in the way of housekeeping items to finish up today. Mr. Bynum, you now have the floor.

Mr. Bynum: Thank you for the presentation here today. I want to make a quick comment and then ask some questions. First, regarding waste energy, I do not think—we had a lot of testimony in the past that waste energy was environmentally inappropriate. I personally do not believe that. I think it is superior to landfilling in terms of an environmental consequence. I also do not know that we have the scale to warrant that kind of investment. That is kind of what the previous folks said. That is what I am hearing from you. It is not really about not whether it is good technology or bad, but whether we have the scale to make that part of our mix? You are nodding.

Mr. Cioffi: Yes, that is our conclusion today. That is the case.

Mr. Bynum: Okay. We have an integrated Solid Waste Plan, so I assume everything that you are doing integrates with that integrated Solid Waste Plan. I was here to vote for that plan. I said at the time that this was by any standard, an extremely ambitious rollout, really questioning the County's ability to meet those deadlines. Part of that commitment—part of the reason we wanted to roll that out after it had been kicked down the road too many times, was to avoid a further—what is the right word? Lateral expansion up?

Mr. Cioffi: Vertical.

Mr. Bynum: Vertical. We were going to avoid a vertical expansion. We wanted to avoid that and not have mount Kekaha go higher than it was. Then, we did not follow the plan. We did not move on the M.R.F. according to the timeline and we pushed everything back. I am hoping later, maybe after Budget, we can a comprehensive update on the Solid Waste Plan with a particular emphasis on the timelines and where we are at because I think we are up against the wall already. I am really, really concerned about that, but I do appreciate and support that concept of a Resource Recovery Park as long as the issues that Councilmember Yukimura was addressing that we are not tied into that, and we are going to delay implementation of the plan because we are committed to a central resource. I think that is something we should have the option for in the future. I like what you are doing. The question is really about the transportation to, if the landfill and/or Resource Recovery Park is sited there. I do not think our intention is to use Mā'alo Road or State Highway 583 as the in and out. Is that correct? Is that addressed in your feasibility and E.I.S. plans? Are there any details about what the transportation route in and out of this area would be?

Mr. Cioffi: The transportation, and we know that is a big issue for you and we have been hearing that from the general public at every meeting, as

well. At this point, it is a work in progress. We have a Traffic Engineer, a Traffic Consultant doing a traffic study, and looking at what the options are. Where you are going to see the real answers to your questions are going to be with the draft E.I.S. That is a work in progress at this stage. We are looking at what the options are and what the repercussions are.

Mr. Bynum: So the draft E.I.S. will be specific about those transportation quarters, how they will be used, and what the impacts are?

Mr. Cioffi: It will have alternatives analysis and the recommendations.

Mr. Bynum: I just want to put this on the record that we are talking about building roads in an undeveloped portion of our island. I have seen this happen in this community and many others, "Oh, there is a road here, so let us site this there. Let us site this. They already have the road infrastructure, so let us build housing here. Let us build this here." I do not think that should drive our decisions about land use. It should be driven by General Plans and community development plans. That is a potential unintended consequence of this. It is something that I am really interested in, and I wish we could discuss it more robustly now, because I think it is a really important part of this whole thing.

Mr. Cioffi: Yes, and we are hearing that from everybody. I do not know if you have anymore to add to that Brian, but we understand that is a big concern for everybody.

Mr. Taketa: Only to reiterate that a number of different alternatives will be looked at. There will be a discussion about those, including the issue of what is the best means to make a decision about what should be the access into the landfill site. So we will provide that.

Mr. Cioffi: When the draft E.I.S. is published, there should be a lot of detail there for people to review and tell us what we did right or wrong.

Mr. Bynum: I am recognizing that we have time constraints, so I will not go on to other questions, but for many of us, this is a dialogue we have been engaged in for ten (10) years or more. We could spend easily two (2) days on this. I have a whole other list of questions, but I will save them. Thank you.

Chair Furfaro: Mr. Rapozo.

Mr. Rapozo: Thank you. My first questions as you go out and do the community meetings, and I have been to a couple of them, but what route or road are we proposing? Are we proposing to use Kūhiō Highway? For the people to come in properly, I would assume they have to have an idea where—there is a big difference if the traffic is going to be on Kūhiō versus what I thought was a new road that I thought was going to be proposed up *mauka*. That is what I heard. Is that still...

Mr. Cioffi: I have not seen a proposal for a *mauka* road. For the exact road, we are still looking at the options.

Mr. Rapozo: If you have not seen a proposal for the *mauka* road, the only road you have is Kūhiō. Is that what we are basing this project on? Larry,

maybe you can help because I remember discussions with a *mauka* road, in fact, an improved roadway.

Mr. Dill: There is on the long range transportation plan, which the most current one is 1997 but is currently being updated; a proposal for a *mauka* bypass for Līhu'e and Hanamā'ulu. That was shown of the early graphics for the landfill and what the relationship would be to that road to the landfill. As we have dug further into the traffic analysis, and that is still a work in progress, it is shown that construction of that road is not necessary to serve the landfill to alleviate the traffic impacts. You are exactly correct, that Kūhiō Highway would be the access. The question then becomes that there are a few different alternatives as mentioned. It would be with the way we get from Kūhiō Highway to the landfill. One of which is Mā'alo Road, but each alternative has its pros and cons and measures to mitigate those pros and cons would have to be addressed or implemented as part of the project.

Mr. Rapozo: Okay. A big rig coming from Kapa'a to Mā'alo would have to make a right turn on Mā'alo Road?

Mr. Dill: Correct, in that alternative yes.

Mr. Rapozo: Is that even possible?

Mr. Dill: Not without improvements.

Mr. Rapozo: And you folks have never heard of a *mauka* road?

Mr. Cioffi: I am sorry I misunderstood you. I thought you meant the name of the road. Now I know what you are talking about.

Mr. Rapozo: I am talking Mā'alo. Up *mauka*...

Mr. Dill: No, it is *makai* of the Mā'alo site.

Mr. Rapozo: *Mauka* of Kūhiō.

Mr. Cioffi: I am sorry. I misunderstand what you were saying. I have heard of them one. Our preliminary conclusion is that is not required for the landfill.

Mr. Rapozo: Really?

Mr. Cioffi: It may be better or worse, but it is not required.

Mr. Rapozo: Nothing is required, but I think we want to do a project that has the least impact on residents of Hanamā'ulu and Līhu'e. I just thought that was something that came with the deal, which was an improved road and I guess we can explore that more. The other question is pertaining to the waste energy. How many specific technologies—or have you folks even reviewed or assessed specific technologies in your study?

Mr. Cioffi: For the feasibility study for the recovery park, we did look at several waste energies.

Mr. Rapozo: Which were those?

Mr. Cioffi: Mass burn, we talk about in some detail in there. We talk about waste of fuel, pelletization, and gasification. We looked at the possibility of a biorefinery. There is really a list of seventeen (17) different classes of technologies that we talk about in the feasibility study. Those are kind of the primary ones that are either commercial or getting towards a commercial scale, like mature types of technologies.

Mr. Rapozo: You would agree that there are some technologies actually being operated in this Country today, quite successfully?

Mr. Cioffi: Yes. HPower is a perfect example.

Mr. Rapozo: Yes, and HPower is an older technology. I am talking about newer technologies because I have visited some of those sites. Is that a fair statement?

Mr. Cioffi: Yes.

Mr. Rapozo: If you want to call your expert, you can bring them up. If you are not the expert, I would like to talk to the expert because I just want to make sure that the public is getting the right information today.

Mr. Cioffi: Sure, yes, if I may.

Mr. Rapozo: As Mr. Bynum referenced the original integrated Solid Waste Management Plan, Waste Energy was in fact, in that plan. In fact, the study was done that clearly showed that the waste stream was sufficient. Have you done another waste stream analysis here on Kaua'i?

Mr. Cioffi: We have not updated the analysis. No, we are using the 2007 study and observations since that time. We have not been asked to update that composition study.

Mr. Rapozo: Okay. You might want to introduce yourself for our captioner.

LARRY FEDIC, Waste Management Technology and Recycling, AECOM:  
Hi, my name is Larry Fedic, also from AECOM. I focus on Waste Management Technology and Recycling.

Mr. Rapozo: Okay. I am sure you heard my questions.

Mr. Fedic: Yes. There is a range of combustion technologies out there. Most of them have been around for a while. Most of them are operating at a larger tonnage scale or threshold as well. To the earlier question that was made, it is not so much a technology issue. It is the volume of waste that is generated on the island and that is available for combustion.

Mr. Rapozo: Right. Would you not agree that there are technologies today that could definitely work with our volume?



Mr. Fedic: Well, we do not believe at an economical scale that they could be developed for the volume that you have.

Mr. Rapozo: We have not done an analysis on that so we could see...

Mr. Fedic: As part of the Resource Recovery Feasibility Study we did look at what volume would be available, and "is that feasible for combustion technology?" We do not believe there is that level of waste generation here to make that feasible.

Mr. Rapozo: What would be the threshold of acceptable volume?

Mr. Fedic: You would probably need about one hundred fifty thousand (150,000) tons per year. What we looked at is that you have to remember that a portion of the waste stream comes from the residential sector, which the County controls. About sixty (60) percent of the waste stream is generated by the commercial or the business sector, which is managed through private enterprise, if you will, and not controlled by the County. So that in itself, all of a sudden you have divided the amount that you have control of, and it presents a financial risk.

Mr. Rapozo: The commercial operators have nowhere to take their trash.

Mr. Fedic: There needs to be that control and their willingness to pay. In a lot of cases, you can set a price, but if it is too high for the private sector, they always come up with other alternatives.

Mr. Rapozo: Where would they take their trash?

Mr. Fedic: They may move it to a different diversion or recycling opportunities. If there is no guarantee—if the issue with waste energy is you have to outlay the capital upfront and if you do not receive the waste, then it becomes highly, financially inefficient.

Mr. Rapozo: Okay. I would be really interested in seeing. I have spoken to Mr. Dill and Lyle about this in our meetings and that in fact, I believe there are jurisdictions in the mainland that are running incineration technologies that are actually doing well with similar volumes of trash. I am just hoping we are giving that an opportunity anyway, and from what I heard today is a lot different from the original Integrated Solid Waste Management Plan, as far as the volume that was required and that, in fact, we had the sufficient amount.

Mr. Fedic: Well, the feasibility study actually is quite consistent with the Integrated Solid Waste Plan, in terms of certainly there is the potential, but it is just the concern with the amount that is available right now without putting the County at-risk.

Mr. Rapozo: Did we go as far as to determine what the cost per ton would be if we went to a burn technology?

Mr. Fedic: Yes we did.

Mr. Rapozo: What was that?

Mr. Fedic: I believe it is in the order of about a hundred and twenty dollars (\$120.00).

Mr. Cioffi: That is a net.

Mr. Fedic: Yes, that is a net cost.

Mr. Rapozo: I think Mr. Kagawa alluded to a lot of the technologies reclaiming old landfills with this technology. We could in essence, reclaim Kekaha at some point. If the facility was built out in Kekaha, we could realistically reclaim that land out there in Kekaha.

Mr. Fedic: Again, it depends on the technology you are implementing. You would have to look at what is left in the landfill site after the organics do degrade over time. What is the percentage of combustibles that is left? You would have to do some research into that of whether is it even feasible.

Mr. Rapozo: Okay. Thank you.

Chair Furfaro: Mr. Hooser.

Mr. Hooser: Good afternoon. I have two more questions along the same subject actually. In terms of the feasibility study that is happening, it is my understanding that you are looking at the cost of putting in the landfill, operating the landfill, and how that is impacted by tipping fees. Then, you are also looking at a materials recovery facility and possibly waste energy as well. You are doing on both of those waste energy and the materials recycling, are you doing a cost analysis on those on what it costs to build them and what it costs to operate them? Have you come to a conclusion that either one is more efficient than the other or better suited?

Mr. Cioffi: We have started down that road with the draft feasibility study for all of the Resource Recovery Park technologies. We are in the process of the landfill conceptual design now and to come up with those costs on an itemized basis, both capital and operating, et cetera. The landfill ones are in the works right now. For the Resource Recovery, we have taken the first step of the capital operating costs and for those things, whichever avenue to quantify that. We are trying not to overestimate that, but give a sober accounting of the cost estimates. For the final feasibility study, right now, we have capital costs and operating costs shown. For some of the things, we talk about on a per ton basis and for the final feasibility study, we already know we are going to bring those all into a part-time basis so you can compare the landfill, composting, and waste energy because those are all going to have different costs. The County can make those decisions.

Mr. Hooser: In terms of what happens to the recovered materials, are you factoring that in as an experience or income? One of the two?

Mr. Cioffi: Right. Take the organics, as Larry was alluding to: the organics is one of the big components of the recoverable energy in the waste stream. You can do it through waste energy, and then you get some beneficial electricity. You also have some residuals that then have to be landfilled and there are special requirements there. On the flipside for the organics waste stream, you

could compost them, and it is not going to go to the landfill where you have that beneficial reuse possibility there. Those are other things that we tried to point out which was, "what is the lifecycle or the end result of the different options?"

Mr. Hooser: In terms of what you do with recovered materials, you are analyzing their costs like whether it is paper or metals? What are you going to actually do with them and how much it will cost or bring in?

Mr. Fedic: Yes. In terms of recyclables, they certainly have a market value, so in the final feasibility study, we will have sort of a revenue estimate or range, if you will, depending on how much gets recovered in the future. A number of diversion programs where you are diverting material away from landfill, unfortunately, are simply a cost as well, such as the household hazardous wastes. There is no revenue potential back to the County. It is simply a cost, but again, the benefit is the diversion of harmful materials away from the landfill, and the potential for contamination or effects on the environment.

Mr. Hooser: It seems like that if we have two alternatives... we have three. Landfilling, waste energy, and the materials recovery facility. But it seems that they work in opposition to each other. If our goal is to reuse, recycle, reduce, and divert, then we are motivated to burn less and to landfill less, but if we are locked into a burning, then it is counter to the recycling side, right? Just about everything is organic, it seems like, except metals and plastics. All the paper, wood, and everything else that you throw away theoretically could be burned, right? At the end of the day, a decision has to be made, and it seems like to do both of those would be very difficult. Again, because you are challenging the waste stream, you need it either way. Can you comment on that maybe?

Mr. Fedic: Well, I think, there is always—maybe I will start from the back. There is always going to be a residual that you cannot recycle, reuse, or reduce. You do need a disposal technology or outlet at the end. What is the most flexible? It is landfill. Not all of what is left over as a residual can be burnt. They do go hand in hand, the reduction, reuse, and recycling with the disposable technology. If you look at the hierarchy that comes through the County's Integrated Solid Waste Plan, you want to focus on reduction, reuse, and recycling to get all of those beneficial materials out of the waste stream to the greatest extent that you can, and then you would rely on your disposal technology. This gets back to the question of "what is left" and "do you have enough volume?" If you are looking at an incineration technology, you have a fixed volume that you need to feed the technology to keep it going. You need that to make it financially viable, versus landfill which has a greater flexibility where you can build it in smaller stages to accommodate smaller volumes at a time. It is a system and you have to look at it holistically, as well as the system.

Mr. Hooser: Okay.

Mr. Cioffi: I would just add to that, that you are right and we tried in our report to point out when certain technologies are cross-compatible, and when you are competing for (inaudible) waste stream. When you have to choose between one and the other, there is an economic element, but as I think you were suggesting, there are other elements to those costs as well. We tried to point that out in our study where we could.

Mr. Hooser: Thank you. Thank you, Chair.

Chair Furfaro: So does any part of the plan we see now, that we have seen to-date, show any Return on Investment (R.O.I.) on the items that we have been talking about right here, as it relates to all of these upfront costs and these C.I.P. costs associated with building these assets? What kind of payback period there is or is not? Is there anything that we can look at now?

Mr. Fedic: We have not at this point, identified sort of a return on investment or a payback period. We have looked at looking to identify where there is revenue potential though. Again, that comes really through the items the recyclable items that would be the recyclable item that would be generated from a household or from a commercial office space, if you will; paper, cardboard, aluminum cans, and those types of materials where there is a market out there. As the County moves towards looking to develop and implement a curbside collection program for those types of materials, your volumes will increase. Again, your revenue potential will increase to help offset those costs.

Chair Furfaro: There will be some—on the cost of operating, with a comparable revenue return on this. There will be something with tightening that up?

Mr. Cioffi: Yes, we have had that request already as we move towards the final feasibility study to bring that all together. Our perspective as the County's consultant is those who have followed recyclables markets, especially within the last five (5) years, are highly volatile. As the County's consultants, we want to make sure not to paint an "overly rosy picture." We do not want to promise you...

Chair Furfaro: We call it this; overpromise/under deliver. We just had that in your other discussion.

Mr. Cioffi: We hope we are not going to do that.

Chair Furfaro: And if you painted me too big of a rosy picture, maybe you would not be consulting. Thank you, you answered my question. Vice Chair Nakamura, you have the floor.

Ms. Nakamura: Thank you. Thank you for your presentation. I wanted to just clarify some of the assumptions that we are making and the dates. When will the Kekaha landfill close? Are we still looking at the year 2021?

Mr. Dill: I am sorry I do not have the dates right in front of me, but approximately, yes.

Ms. Nakamura: So it is approximately eight (8) years?

Mr. Dill: Eight (8) years.

Ms. Nakamura: When this Resource Recovery Park feasibility study—is it currently in draft form? When do you expect the final feasibility study to be completed?

Mr. Cioffi: Yes, we wanted to have the draft form for people and yourselves to comment on and give us feedback. We are hoping to finish that

soon. We have asked for the public to give us any comments within two (2) weeks from yesterday, basically.

Ms. Nakamura: Has that plan been circulated to Councilmembers? The draft plan that you want comments on?

Mr. Dill: Not to Councilmembers. It is posted on the County website. Let us circulate it to the Councilmembers, please. We will shoot an electronic version over. Is that okay?

Ms. Nakamura: That is fine. When is your plan to finalize that?

Mr. Cioffi: We would like to finalize it, depending on the comments that we get back, whether they result in big changes or not, on the order of four (4) to six (6) weeks from now. If we can get our comments in two (2) weeks, and then another two (2) to four (4) to finalize it. From our perspective, that is kind of an aggressive schedule.

Ms. Nakamura: Yes, so at the end of February or early March?

Mr. Cioffi: March, yes.

Ms. Nakamura: Okay.

Chair Furfaro: We have an additional answer for you.

Mr. Taketa: I just wanted to clarify one point. In as much as all of the appendix studies that are done for the E.I.S. are part of at this point, part of a prep notice, and then eventually a draft E.I.S.. Those would remain subject to public comment and we will have to look at it with the County for any kind of final versions to come out of that. The only final document that comes out of the process will be the final E.I.S. and appendices.

Ms. Nakamura: Okay.

Mr. Cioffi: That is a good point. The final feasibility study is not the end of the game. Then we bring it into the actual E.I.S. project. It is dealt with in the draft E.I.S. and we have another opportunity for feedback.

Ms. Nakamura: Okay. I am just thinking...if you are trying to get feedback right away, and you have not gotten copies of it, that does not give us a lot of time to comment and get back to you.

Mr. Cioffi: I think that was what Brian was trying to say is that we will incorporate that and also into the draft E.I.S. so that we have another opportunity.

Ms. Nakamura: Okay. When do you expect the final E.I.S. to be completed?

Mr. Cioffi: Right now, our estimate is towards the end of this year or towards the beginning of next year.

Ms. Nakamura: Okay. I think that is all I have right now. Previously, I think when you did a presentation back in December of 2011, the plan was to finish the E.I.S. by October 2013. It sounds like you may be a few months off of that.

Mr. Cioffi: A little bit.

Ms. Nakamura: Okay.

Chair Furfaro: Just a reminder, your PowerPoint that we saw today, indicated November/December. Now you just told us early next year. Just know we are going to hold your feet to fire on what you indicated were obtainable.

Ms. Nakamura: Can I follow-up?

Chair Furfaro: Sure, but I just want to get my point across.

Ms. Nakamura: I think that is why I was confused because the PowerPoint that you sent us showed a completion date of Fall 2013/Winter 2014. Is that a typo?

Mr. Cioffi: The target is still Fall of 2013, November/December.

Ms. Nakamura: Maybe we should say it by quarters. You are saying fourth quarter, 2013?

Mr. Cioffi: That is what we are shooting for. What we find is that the more we get into it, more issues arise, but that is our target.

Ms. Nakamura: Thank you.

Chair Furfaro: Just as we indicated earlier, we want to be realistic with this, but there has got to be a little reach. We have to stay close to where we are at, so if you are going to reevaluate that, I would encourage you to communicate that as soon as possible. Councilmember Yukimura, you have the floor.

Ms. Yukimura: Thank you. If you want our feedback on the draft feasibility study, why did you not present it today?

Mr. Cioffi: Well the reason—and we could have done that in last two nights we presented it for the County, but there is a lot of information in there. We did not think you wanted to listen to us for two hours.

Ms. Yukimura: Why? I would have preferred knowing more details than just this list of generalities. How much are you being paid for this work?

Mr. Cioffi: The overall contract is one point eight million dollars (\$1,800,000.00) for the entire project.

Ms. Yukimura: One point eight million dollars (\$1,800,000.00)?

Mr. Cioffi: Approximately.

Ms. Yukimura: In considering the alternatives, are you considering not having a Resource Recovery Center versus having a Resource Recovery Center? Are you looking at that alternative?

Mr. Cioffi: The E.I.S. does, by Law, look at the no-action alternative.

Ms. Yukimura: I am in the talking about no landfill. I am talking about landfill there, but no Resource Recovery Park. Are you looking at that? Are we going to get...

Mr. Cioffi: Yes.

Ms. Yukimura: Okay. I do not want to know what the Law says because I am not talking about legal issues here. In your analysis of our Resource Recovery at the Mā'alo site, and not at the Mā'alo site, which would have to tell us where it will be...if it is not at the Mā'alo site, have you looked at the how much and what kind of traffic would go to just the landfill? Also, how much traffic would go, if there was a Resource Recovery Center there?

Mr. Cioffi: Yes, those estimates are in the siting study report.

Ms. Yukimura: Okay. What is the general finding?

Mr. Cioffi: The numbers are in the siting study report that we put out last Summer. I do not know the numbers off the top of my head.

Ms. Yukimura: I do not care about the numbers. I am caring about...I am thinking, if you just have a landfill there, it is going to be primarily and again, it depends on how you configure the transfer stations working as part of the system, but it could just be trucks, and not that much. If you have people bringing their batteries over there and their household waste and all of those things, that is like traffic—that is like customer traffic rather than, just truck traffic. It makes a huge difference in terms of whether you might need a paved road or a restructured road with safety and all kinds of things, rather than just a road for trucks. To me that is a very important part of the analysis. In the cost of recycled materials and the value of recycled materials, have you incorporated transportation costs as an offset to the prices and the income we can get from the materials?

Mr. Cioffi: You mean transfer station off-island?

Mr. Yukimura: No, transportation into the interior of the island versus transportation just to a site close to Līhu'e, and then to the docks? Transportation interior, where it gets processed in the M.R.F., and then the materials come out to the harbor.

Mr. Cioffi: The siting study did try to quantify for the eight (8) sites of the transportation needs.

Ms. Yukimura: How can we tell what the costs differences will be if you are not comparing it to another site, like a site close to the harbor?



Mr. Cioffi: In the siting study with the Resource Landfill and Recovery Park, we looked at the eight (8) sites identified and compared them to each other. The numbers are in the siting study report for that comparison.

Ms. Yukimura: Have you incorporated those differences into the income that will you get from the recycled materials? The cost of producing the recycled materials will be different depending on what the transportation costs will be. Right?

Mr. Cioffi: I am not sure I fully understand. We tried to provide the cost, yes, for the recycled materials and for the transportation.

Ms. Yukimura: Well, the problem is that we have Engineers who need to, in a feasibility study, determine economics. That is probably why—if you do not have the answer, I guess I will put it in another way. We need to get those answers as part of your feasibility study. Okay?

Chair Furfaro: I would like to raise a question, Councilmember Yukimura.

Ms. Yukimura: Go ahead, Chair.

Chair Furfaro: Based on the scope of our contract, and I am directing this to the Engineer, as well as the two gentlemen there; if I were to schedule in my Committee, the Committee of the Whole, for a half a day workshop for the purpose of going through these details and so forth. Now that you know that we are not afraid to listen to you for more than two hours, and as your client, we would like to set up with public notice for a half-day workshop. Would you please acknowledge that we should be able to do that?

Mr. Dill: Mr. Chair, for the record, Larry Dill, County Engineer. I want to reiterate that their scope of work that they are looking at...

Chair Furfaro: I understand, and I want to thank you, Larry, for allowing to us have these periodic...but I have a full business agenda today. Today, I thought we were getting a briefing, and what the briefing has led to is a lot of additional questions. As we are the client, and we are the ones that will sign off on the contracted amount, in the near future, could we have a workshop in the Committee of the Whole, and ask these gentlemen to come over. They could probably prepare some things that were based on our questions today. Is that possible?

Mr. Dill: My concern would be off the bat, that we would be asking them to do outside of the scope of the work of their contract, if it is to do other than a report, an environmental impact statement, and a feasibility study on the landfill and Resource Recovery Park; they were not contracted to do an analysis of comparing those to other opportunities.

Chair Furfaro: Well, I am going to disagree with you at this point as the Client. If I had asked them as part of what is a pretty sizeable contract, we could schedule a workshop in a month or so, and if would they be open to it. I got an acknowledgment. If not, the next briefing that we are going to have, that is the only thing on the agenda. It has gone so long. I would like you to consult with the County Attorney, not to answer my question right now, but I have to tell you, I

think we have certain applications in interpreting the scope of the contract, as it relates to keeping us informed on what is the product we are getting.

Mr. Trask: Yes, Chair. Just for the record, Deputy County Attorney, Mauna Kea Trask. We would be happy to speak with you about the contract at any time. The copy of which I have, I am not referencing the Law. I have a copy of the contract. The only thing is that currently under the scope, there are a scheduled number of meetings agreed upon. That was the meeting of the mind. They could come some more, but it may cost us more. Maybe what might help is have an Executive Session, talk about the contract, the rights, duties, and responsibilities, and then we could follow-up.

Chair Furfaro: I appreciate your interpretation, and let me send the message to the two (2) gentlemen that are here. We would appreciate that you take care of us as Clients, and consider our request to have the workshop. Is that feasible? Do not give me your answer now, but I have several items that we need to obtain for business today, and we are not going to accommodate it with this discussion today. Please consider my request. I will send it over in writing.

Mr. Trask: Thank you, Chair.

Chair Furfaro: Mr. Rapozo.

Mr. Rapozo: Thank you, Chair. I fully appreciate that Mauna Kea. I think what I heard from Larry, and I agree with Larry, is that these gentlemen were contracted to do an E.I.S. and to be consultants on eight (8) sites that were already selected. I think what I heard Larry say is that they are not here to discuss a site that possibly could be down close to the harbor or something outside of their scope. The only thing, Mr. Chair, is that I had hoped to have this in my Committee, but the Committee of the Whole is fine. That is fine with me. The parameters have to be set, otherwise four (4) hours will not be enough. What I thought I heard the request was that Ms. Yukimura asked, "Why did we not go over the draft E.I.S. today?" I am suggesting that the focus of the meeting is the draft E.I.S....I mean the draft E.I.S., right?

Ms. Yukimura: No, the draft feasibility study.

Mr. Cioffi: I think you recently requested that we provided more detail in the draft feasibility study.

Mr. Rapozo: What are you taking comments on from the public?

Mr. Cioffi: This week, the last two nights was for the draft feasibility study, and next week we will be back for the draft E.I.S.

Mr. Rapozo: Okay, but the comments and questions should be limited to that study, otherwise this thing is going to run away. That is what I am afraid of. I fully appreciate that and as far as the limited number of meetings, do we have a cap on the contract?

Mr. Trask: I believe currently, it is said they are coming over twice, is it two (2) times?

Mr. Rapozo: The contract does not state, "As requested by the County Council."

Mr. Trask: We can, but I think we would just have to pay more. I would like to talk with you about it, and then we can discuss options.

Chair Furfaro: Mauna Kea, why do you not talk to me about it, and I will discuss it with the others. I want to make sure that you folks understand that I did not expect you to discuss things outside the scope of their contract, but I do expect as a Client, some courtesies if we make a request. That is what we just made.

Mr. Rapozo: My question is really for Larry. This is the million dollar question that everybody is watching and saying, "Why are not you asking the most practical question?" This is the question that I think everybody is asking. There are eight (8) years left on Kekaha, right?

Mr. Dill: Approximately.

Mr. Rapozo: Okay, eight (8) years left until we reach capacity. Providing this E.I.S., final E.I.S., and everything goes smooth, what is the anticipated groundbreaking, and I should not say "groundbreaking," but opening day for the new landfill? Keep in mind, we just heard from Transportation today that we funded bus stops last year, and we have not put up one bus stop yet. They are still in the planning and design. This is a much bigger project. How many years before we can—do not overpromise and under deliver. You folks are the experts. You have been all over the Country with these kinds of things. How long does it take?

Mr. Cioffi: We are keeping a running estimate of that and in a certain sense, once the E.I.S. is done, there is a still a lot that has to happen.

Mr. Rapozo: We know that. I am looking for a number.

Mr. Cioffi: Some of those things are beyond my pay grade, my expertise, in terms of land use agreements.

Mr. Rapozo: I am saying if everything goes well, which it will not, but...

Mr. Dill: I agree with you, Councilmember. That is the million dollar question and we believe me, we update our projections of that on a regular basis. I will tell you that our projections are that the landfill we be done prior to the year 2021.

Mr. Rapozo: And you believe that?

Mr. Dill: I just said it.

Mr. Rapozo: Okay. As the Chair knows this, we have heard the five (5) year life on the landfill time and time again, and this is an issue that has been here since I was on the Council for the first time in 2002. I do not believe that the landfill will be up and running before Kekaha is full. As we move forward—and I am not asking for an answer now, but there has to be a contingency plan. I do not

want to sit here eight (8) years from now and say, "I told you guys. I will not be here, but I will be a member of community saying, "What happened? Where is the contingency plan?" We better have one because I think anyone here knows, it is not going to happen in eight (8) years. Unless we find some magical formula to extend Kekaha again and again, we are dealing with Kekaha going up, and it is just another whole myriad of issues. I think it is safe to say that eight (8) years, our County has not—and it is not just our County. It is Counties in general take a long time to get those huge projects off the ground. So something to think about and maybe as you guys meet with your think-tanks, you have to help us out with some backup solutions, because I do not think we have one, and I do not know what we are going to do in 2021, or whenever it is. We are going to be in trouble and I want to make sure that that is on the radar screen. Thank you.

Chair Furfaro: Listen, we need to move on today. Larry, I am going to recognize Mr. Hooser, and then you. I want to make sure that you understand; I am an Officer of the County. When I ask a question of a contractor, and I get a commitment that they are open to do my request, they are talking to an Officer of the County. Okay? I am going to sign the check at the end through an approval process. Let us think about that. Number two, I am not sure it needs to be in my Committee. It could go to Mel's Committee, but I do know if it goes to Mel's Committee, I cannot participate with a vote for receiving. That is our rules. I do not care whose Committee it goes to. I just want to say that we have got questions here and we have got consultants here, and that I would see if we could have another shot at this. These two (2) gentlemen were quite polite in saying, "Yes, we think we could do that." Leaving it at that, I will recognize Ms. Yukimura and just a reminder, we have two (2) more things to do in the timeframe that is pretty pinched as it is.

Ms. Yukimura: Larry, I have a question for you. If the information that I am asking for is not in the scope of their contract, how are we, the Council and the Administration, going to get the information we need to make competent decisions like funding and otherwise about our Solid Waste System?

Mr. Dill: Excellent question, and I thought we had said it here, today, and other times that our purpose in including the Resource Recovery Park in the current E.I.S. is because we recognize that they have been successfully implemented in other locations, and is a value to having one located with a landfill. However, having said that, we will only implement components of that park as we deem those components that are feasible to be implemented. Each one will be investigated and analyzed on its own merits on a case by case basis, if and when the time comes to approve.

Ms. Yukimura: What if, in doing that, you miss the opportunity that we might see if we looked at decentralized systems to upgrade our transfer stations, and include some of the functions there with trucks, either inland or out here in the M.R.F., and if we miss the opportunity to maybe with that model, put a few things right at the landfill, like hazardous waste. This is strategic planning that we are responsible to do, and to do this cookie-cutter thing, "Oh, it is a good idea. Let us just look at this without really looking at the other possibilities." That is not good planning.

Mr. Dill: When you say "cookie-cutter thing," that is not the way we are approaching this at all. We are looking at all these other things today. We are already operating a decentralized waste diversion system with many of this

already in operation. We are already looking to how those things could be improved. The landfill and Resource Recovery Park located up there cannot be done until roadway improvements are done to get there. They are not going to be there for several years. In the meantime, we continue to look at our transfer systems and how to improve operations there, make them more accessible to the public, and increase our waste diversion opportunities. Those are ongoing efforts

Ms. Yukimura: We do not have money to do everything. That is why you have a plan. If decentralization is really a big part of it, then we put our resources there. I do not know how much of that one point eight million dollars (\$1,800,000.00) was used for exploring waste to energy and exploring these general concepts without really doing what a feasibility study needs to do, which are some really good analyses of costs.

Chair Furfaro: On that note, we have the spirit of the discussion, okay? Gentlemen, I want to tell you, I really appreciate what you have done for us so far, but it is very important for us that we have this workshop. I will put the request out there, and I will send it in writing. I certainly appreciate your response to that. Mr. Dill, I too, have certainties that this is not a cookie-cutter program, and perhaps we could have been a little more sensitive to all the work that has gone into it and with your Department. It is much appreciated. The correspondence that I send to them, I will be copying to you asking about a workshop, okay? I would like to say to those in the audience, if we are having a workshop and these guys are coming back with their presentations again, because of the time constraints, if you are going to come up to testify and ask us questions where we do not have the answers for, it is too premature right now. We need to move on with some other items, but if you want to give public testimony, I will take it, but I would ask you for some constraints at this point. There is a lot of work to do on this just yet. Gentlemen, thank you very much.

Mr. Cioffi: Thank you.

Mr. Taketa: Thank you, Chair and members of the Council.

Chair Furfaro: Mr. Dill, thank you very much. Is there anyone in the audience that would like to give testimony right now?

GLENN MICKENS: Thank you, Jay. For the record, Glenn Mickens. I have just one quick question. Two or three years ago, Mayor Bernard came to the grammar school in Kapa'a, and presented what I thought was the same location that these gentlemen have proposed, behind Hanamā'ulu. He was assuring that was the only place to go. Many people testified and the watershed people say water is going to be contaminated and you cannot put there. It stopped them, so my question is what happened with that study?

Chair Furfaro: Obviously this plan still has to go through the State process with environmental quality control management, but I do not have the answers for you as to what the Mayor said. I am sure and confident with the professionalism displayed these gentlemen in considering all of those things, it certainly will be incorporated into the plan. That is all I can tell you.

Mr. Mickens: Was that study done by those people at that time or was the Mayor going through some other means?

Chair Furfaro: Again, I cannot speak for the Mayor, Glenn. I appreciate your question, but I do not want to answer something that I do not have the scope on. Thank you so much.

Mr. Mickens: Okay, thank you.

Chair Furfaro: Thank you so much.

Mr. Kagawa moved to receive C 2013-57 for the record, seconded by Ms. Yukimura, and unanimously carried.

Chair Furfaro: Thank you. Any further discussion as I call the meeting back to order? If not, I will send my correspondence, requesting for a workshop in the near future. Mr. Rapozo, I have no problem putting it your Committee, if you will accept, I will put it in the request letter.

There being no objections, the meeting was called back to order, and proceeded as follows:

Mr. Rapozo: Thank you, Chair.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: This presentation today was about landfill and a Resource Recovery Park. If we do the workshop, I hope that we are getting an update on the entire Integrated Solid Waste, and where we are in that timeline, especially timeframe because the Solid Waste Plan is more than just Resource Recovery Park and landfill.

Chair Furfaro: I certainly identify your request and maybe that will be on another agenda, but this focus is going to be on the contract services of this group and I will work with Mauna Kea to make sure that the parameters of that workshop are very clearly spelled out.

Mr. Bynum: Thank you.

Ms. Yukimura: Chair?

Chair Furfaro: Yes.

Ms. Yukimura: I really appreciate your idea of a workshop. I want to just get clarity that the first part of the workshop is going to be a briefing for us on the feasibility draft, so that we know what the study says. We need to do it soon if they want response in four (4) to six (6) weeks?

Chair Furfaro: Well, hopefully we will do it very quickly in the term of getting a response that they are open to it first. Please make a note, the first portion of this workshop will be on the feasibility study. Mr. Hooser?

Mr. Hooser: I was going to make a comment earlier to the County Attorney, but I decided not to, to get it moving. My comment to this body is that I am hoping that our request for this workshop will be granted, and no additional cost to the County will be incurred. I hope they realize the importance

and the significance of their contract, and the fact that today's meeting did not go well, and that they owe us some.

Chair Furfaro: I also want to point out that I am sure they heard me when I stated as an Officer of the County, I would appreciate being served as a client. That was the message. Mr. Kagawa.

Mr. Kagawa: On those same lines, I understand that they have two other meetings in different communities with different people, and I would think that they would certainly catch decision-makers in their presentations, and hopefully, like you said, it will come at no cost to the County. Mahalo.

Chair Furfaro: Excellent comment. Thank you, Mr. Hooser. Thank you, Mr. Kagawa. Thank you very much, gentlemen. I know you have a plane to catch. Now we need to go back to the Transportation Plan, and we had Mr. Charlier available. Jim, let me thank you for your patience today. Before I go any further, when we have the recognition for the cheerleaders, I need to remind everybody that we need to stay within about half an hour time for that recognition. Now if I recall, I told Mr. Rapozo he would have the floor. Mr. Rapozo, you have the floor when we left, you had your hand up.

Mr. Rapozo: Do you know what the landfill will be... (Laughter.) Mr. Chair, I apologize, it will come to me. I cannot remember what the heck...it will come back to me. Oh, I know what it was. I looked at Nadine and it triggered my memory cells. I have it here.

Chair Furfaro: It is from drinking too much carrot juice.

Mr. Rapozo: Too much coffee. You heard the testimony of Sherri regarding the Native Hawaiian community and I wanted to ask you about what is the possibility of increasing the number of community members? In fact, when I was read the list of names, I asked Councilmember Nakamura, and she showed it to me in the study to refresh my recollection, but how are the people selected? Would it be okay or is it possible to increase that community number to accommodate that request?

Mr. Charlier: You are talking about the Transportation Coordinating Committee (T.C.C.)?

Mr. Rapozo: Yes. I think a lot of what was said today about the—and I realize that all of the projects or the issues and items that will be done, will go out for community input, but I would agree; it is important to have Native Hawaiian input at that T.C.C. level. I am not sure what the processes are because I know you final...

Mr. Charlier: No, I think that what we should do is ask the Administration to take that under advisement and come back. Part of that hesitation as we chatted over lunch, and I offered Celia some advice about our experience with other jurisdictions. The difficulty is deciding who represents who, and there may not be agreement among Native Hawaiians who represents them and so forth. That is why I think the speaker this morning was hesitant to respond to that as well. There is probably some thinking and deliberation that is required. We heard from Vice Chair Nakamura that there was a sense that more community involvement would be appropriate for the Committee. At this point, it is a



recommendation coming in the plan, and the Mayor has already exercised a prerogative to put an additional citizen member beyond what we have in the text. Maybe what you could do is just assume that that will be something that I can come back and speak to you about, but maybe it is something that we are not able to address today. I think as far as a concept, sure. There are two things to think about there, and one way to resolve them—there is a way to resolve it, but one is; “who do you want making decisions?”...and “who do you want offering advice?” The structure of the Transportation Coordinating Committee now is not a decision body, but it is almost that. It is making recommendations. It is pulling departments together and giving advice. Are there ad hoc members? Or are there advisory members, and voting members? I think given that this is just coming up today, I am going to expect that the Administration would like some time to think through how they respond to that. The spirit of what you are asking for, I am sure they will respond to.

Mr. Rapozo: I am sure they will respond, but I just do not know if—at the end of the day it is the Mayor’s prerogative to choose who he feels.

Mr. Charlier: Right.

Mr. Rapozo: Much like his other community members, who do you pick out of vast number of community members? He did not have a problem picking two, and I do not think it is unreasonable to ask, because a lot of these projects will involve areas.

Mr. Charlier: Is that your concern? Are you thinking that because there are these immediately project-related site impacts and this would give the Native community a way to sort of express some of that and guide the process?

Mr. Rapozo: Yes.

Mr. Charlier: I am just the consultant and it is fine with me. I think that if it is it the sense of the Council that you would like to offer that direction, then we can certainly incorporate it into the plan. It seems like a couple of word change.

Mr. Rapozo: It is definitely my sense. Some of the concerns that were brought up earlier as well, from the Hanalei—from Carl. I think you have addressed some of those. I think it will be even more vocal once this thing airs and the newspaper prints the story. The fear of concrete everywhere maybe something that is going to travel like wildfire. I think the community input is vital, in everything that we do.

Mr. Charlier: You are speaking specifically to the Native Hawaiian community?

Mr. Rapozo: In this case, yes. Thank you.

Ms. Nakamura: Councilmember Yukimura.

Ms. Yukimura: Regarding that Committee, I think it is important to get clear what the function of that Committee is, because it will not actually be a decision-making on projects, per say, will it?

Mr. Charlier: No.

Ms. Yukimura: I mean just by its name, it is "coordinating." If a path, road, or decisions about the bus; they are going to be made in the separate departments, but with input perhaps—if the bus stops—like you have to work with Public Works to create the bus stops, bus shelters, and those kinds of things. It is almost like an internal coordinating group.

Mr. Charlier: That is how it is described in the text, so the Departments as they exist today, would still have primary responsibility for projects. The responsibility of the Transportation Coordinating Committee is to ensure good coordination among the Departments.

Ms. Yukimura: Actually, like we have been doing with the bike path, that is a function of Public Works. They go through their public hearing. It is not like the Committee is going to be at the public hearings taking input or anything?

Mr. Charlier: No, this would not change that.

Ms. Yukimura: Okay. I just wanted to be clear about that. Thank you.

Ms. Nakamura: Thank you very much for being here. I wanted to just to clarify Carl Imparato's testimony, that it recommends removing the dimensions. Are you comfortable with that?

Mr. Charlier: I am. Frankly, he makes a good point. If you want, I drafted some language over lunch that we could replace that section with. It will only take me a moment to read it.

Ms. Nakamura: Okay. That would be good.

Mr. Charlier: This is one page 657, on the lower right hand corner. It says "Pedestrians." My proposal to you, and we probably do not have time to word smith, so maybe you can just say, "Yes that is close." Or, "It is it not." We will take it from there.

"The pedestrian walkway shall be provided on both sides of County streets in developed areas..." I have gotten away from the use of the word "sidewalk," which implies—it does not necessarily mean everywhere, but I think on Kaua'i, it might imply concrete, curb, and gutter. That is something I learned.

"Pedestrian walkways will be provided on both sides of County streets in developed areas; new and reconstructed town, village, and subdivision streets...", so those are major projects. "...shall include walkways in the initial construction..." Again, I substituted "walkways" for "sidewalks." I think that is okay. "...In the initial construction and the County will work over time to add pedestrian accommodation, where missing from existing streets in develops areas..." But, I am realizing there is some anxiety that we were talking about when building sidewalks on distant, rural roads. I would note though that some people might think that the State Highway Improvement between Līhu'e and Puhi that took place over the last

Summer, is kind of in a rural place and there are no pedestrians out there, and we do not need sidewalks on it, but of course we do need sidewalks on it. When we held our workshops on the East side, people come down from Wailua Homesteads and places like those, and those are definitely rural-style roads, but they complained that their children could not walk or ride bikes to school, or that they could not walk in the neighborhood. It is a tough issue. It seems like when we say "rural character," yes we want rural character, but when we start thinking about the fact that you cannot walk on those roads. I think it is hard to strike the right balance, but what I thought might help you would be if we added that phase in "in developed areas," so that it is clear that we are not talking about rural roads that are far away from neighborhoods and homes. Then a new sentence: "New streets and wherever possible reconstructed streets shall provide a pedestrian realm." That is the term we are using in the industry today to describe the side of the road. We actually had had a complaint at one point from the Federal Highway Administration, "Did realm imply that pedestrians were royalty?" My response was "yes."

"New streets and wherever possible reconstructed streets shall provide a pedestrian realm that includes a walkway setback from the adjacent street." The issue there, of course, is that where you attach the sidewalk to the curb on these thirty-five (35) and forty-five (45) mile per hour streets is that you have not accommodated the pedestrian. You have put something there, but it does not meet the need. A little bit of setback makes a big difference, as you know. Then finally, "pedestrian walkways"—this is where we do away with the dimensions. "Pedestrian walkways shall be designed to minimum width based on County street standards." What that would do is give you and the Public Works Department—and they are working on this now, to kind of work their way through that process and let me say that dimensions matter. We photographed the sidewalk up at Kilauea on the road out to the lighthouse. It is kind of cool, and it is appropriate for community character, but two (2) people cannot walk side-by-side on that facility. While these things have a lot of emotional appeal, when you get back to it, you do want to provide a place where people can walk with their kids and where somebody could push a wheelchair, and so forth. There is a balance to be struck. It says, "Pedestrian walkways shall be designed to minimum widths based on County street standards such standards shall take into account local context and shall be sensitive to community character." Is that close to what you think would respond?

Chair Furfaro: Thank you very much. Thank you. Obviously, there is a need to let these communities know that we value their input.

Mr. Charlier: Or course. I agree.

Chair Furfaro: Thank you for that new verbiage. Mr. Kagawa.

Mr. Kagawa: Yes, there were a couple more areas that Mr. Imperato talked about. He kind of implied that any subdivision that came up would need to implement those things. There were several areas, and I think Carl can point those out to you. I wanted to know if you are okay with the recommendations that he had? I think what Mr. Imperato is implying is the same thing as where I am coming from. I want to see as least cement sidewalk/walkways as possible, even in new subdivisions. If it is in a highly close by area to commercial properties and what not, of course it might be necessary. However, I want as much as possible to keep Kaua'i, Kaua'i. I think while a lot of tourists do come to Kaua'i to enjoy our bike path and stuff, I think that is not the reason they come. I think they come for the beauty and the greenery, and everything. I do not know if those

recommendations were shown to you by Mr. Imperato, but if those are acceptable, too, I do not know what your feeling is about implementing his recommendations?

Chair Furfaro: Jim, before we go there, I think we are a little shy of seeing a few amendments that would develop while we were at break that might address some of that. We have a formality that we have to go through to introduce amendments.

Mr. Charlier: Right.

Chair Furfaro: I wanted to say we have pieces like that.

Mr. Charlier: If I may, Chair, I believe that what you have in your process—you know your process and I do not, but I believe you have a Resolution that you may be amending. What I want to try, so that you are happy with my work, I want to make sure that we either commit to a change in the document itself or we do not. When I looked at the other areas that are in contention, I believe all of those would leave adequate room for the Staff to make exceptions or to locally appropriate choices. We could go through them one by one, but I did go through them over lunch. I think the only one where we were so specific and that it would be hard to make exceptions, was the one I just read in the proposed change. I believe you have a process you go through in Amendments. I have a process for the Resolution. I have a process that I need to be sure to keep careful track of Amendments to the document, and we obviously do not have time today.

Chair Furfaro: No, I am going to take some action on what you read to us now, and then we will go to the other pieces.

Mr. Charlier: Okay.

Chair Furfaro: What you read to us references Section 6, Page 57, on the lower right-hand corner under "Pedestrians." I think I got that right.

Mr. Charlier: Yes, you do.

Chair Furfaro: Let us talk about what was just presented to us. If we can look at sending a message to our consultant that, that verbiage meets the definition of what we would like in that section.

Ms. Yukimura: No objections.

Chair Furfaro: Mr. Hooser.

Mr. Hooser: I just have a quick question. You mentioned changing the words, which I think you read and you also mentioned adding a sentence or two (2) regarding listening to the community priorities and that kind of thing.

Mr. Charlier: Yes, Sir.

Mr. Hooser: Was that incorporated in the same paragraph you just read?

Mr. Charlier: My advice would be that adopting the Resolution is important, and I believe that there is, and will come to you shortly of some changes to the adopting Resolution that address that. We looked at those and thought they were appropriately written and would support them from a professional/technical point of view. I did indicate that we would add a sentence to the front-end of the land use section and I had not drafted that yet, but it should say roughly the same thing that, "standards shall take into account local context and shall be sensitive to community character." So that is part of the general guidance is being provided through the land use section.

Chair Furfaro: This discussion, right now, is about accepting the proposed changes to the document as presented by Mr. Charlier. Mr. Rapozo, have you the floor.

Mr. Rapozo: Thank you, Jim. As far as the Native Hawaiians, are you going to change the language in that as well or are you going to wait for the Administration?

Mr. Charlier: I will tell you quite frankly, that it is in everybody's interest that we try to have you guys adopt this today, if it is possible, because if we come back again, there will be a new set round of testimony as you know. I am hoping that...I certainly have no problem writing a sentence that includes in that. That is on Page 7-4, by the way. It says, "The T.C.C. will meet at least quarterly and more often than that as needed" and it names the membership. What we could do, I think is to say one or more citizen active in promoting transportation programs, including representation from the Native Hawaiian Community.

Mr. Rapozo: I would ask the Council to agree to that, so that we could take action on it today.

LYLE TABATA, Deputy County Engineer: Lyle Tabata, Deputy County Engineer. This task force, or the action Committee, is intended to be a small Committee with the Departments coming together, basically. That is the forum where individual Departments bring all of their projects within the Multimodal sense to ensure that communication is happening, and that we are paving a street, and we take into consideration what Transportation is doing and what Planning directs from a certain community plan. So to have a huge number—I do not know how you are going to select one organization over another. In this, it is just a planning session, and the process as I had mentioned earlier, when we develop a project, it is a charade process. That is where we invite community members from a vast array in the community to come and participate. These are just coordinating meetings, and possibly policy-setting meetings, not necessarily to involve certain individual projects. This is not the place. Where we do discuss individual projects is when we are ready to bring a project forward. To dictate that—I have nothing against these organizations, however, I think it will be cumbersome and make the group too large.

Mr. Rapozo: Okay. Well, I disagree. I do not think it is an unreasonable request. That same argument could be made of how would you pick the community members now? You have two, then from all of the thousands of people on Kaua'i, how do you pick two? I think this whole process, and again, what Sherri said made a lot of sense. I never thought of it when I read the plan until she said it, but it makes a lot of sense. I think it is very reasonable. I think it will prevent problems in the future as we move forward on potential projects, if we have

the input. I am not saying it has to be a Native Hawaiian Organization. I think the Mayor knows quite well, several cultural practitioners here on the island that may not be affiliated with any Native Hawaiian Organization, but has the skill set of this island and the cultural values, and that he should be able to pick someone. I do not know. I am curious to hear what others think, but I think that is a vital part being that some emphasis has to be placed on our cultural part. I think that is what Carl is saying and it may be community-centric, neighborhood-centric, but I think when you look at the total picture, I would hope that we want to try and solicit some information prior to going out into the community. When you get out to the community and there is this huge opposition, that can be avoided if you can deal with the concerns that these T.C.C. meetings.

Chair Furfaro: Celia, we will recognize you. Do you want to respond to Councilmember Rapozo?

Ms. Mahikoa: Yes. Celia Mahikoa, Executive on Transportation. With all due respect, I completely agree with the fact that the Native Hawaiian interests need to be recognized when projects are taken on. However, the initiative that we are taking on in establishing the Transportation Coordinating Committee, I believe, is a step prior to where we would be involving them. It is the same with any other particular groups that would be involved in specific type of projects. It is not like I would want to attempt to exclude anyone, but I think we are looking at the way we are again, as Lyle mentioned; We are trying to get to where it is actually a Coordinating Committee, among all of us, who will make the policies and determine the priorities among the action plans. That will drive the projects that come out of each of our Departments, and that will be at the point where we can pull others in.

Chair Furfaro: Mr. Rapozo, you still have the floor.

Mr. Rapozo: No, I am fine.

Chair Furfaro: You are fine? Okay. Councilmember Yukimura.

Ms. Yukimura: I think it may be helpful to distinguish between a coordinating—sort of an In-House Coordinating Committee versus an Advisory Committee? I know that you have a Transportation Advisory Committee, taken primarily from the community that you meet with monthly, I think, or quarterly? I think it is different functions, and to the extent that you want community input, the Advisory Committee is really the forum where you get input from the community.

Ms. Mahikoa: Yes. That is correct.

Ms. Yukimura: It might be something to consider, that you include a Native Hawaiian person on that Advisory Committee for the Transportation.

Chair Furfaro: Mr. Bynum.

Mr. Bynum: Along the same lines, I want to make sure I understand the purpose of the Transportation Coordinating Committee. I saw that as primarily—we have been begging all you, not just us, but the whole world, to get out of your silos. The right-hand does not know what the left-hand is doing. When I read this, I saw it was a commitment to a working internal group to make sure that the people in County Government and perhaps State partners who are working

on the logistics of these programs are communicating, and appreciating each other's priorities, right? I think what Councilmember Rapozo is saying is absolutely accurate and correct. I am not sure if it pertains to this particular Committee, but your Transportation Committee, which I do not know the current makeup of, but it should have outreached to Native Hawaiian Organizations. I think distinguishing those purposes are important. It is kind of like when the Administration set up the Bike Path Task Force with Attorneys. I said I wanted to be on it as a Councilmember. They said, "No, because you are a Councilmember. We will inform you, but this is an Administrative group." When I thought about it, I said, "Yes, I do not have any reason to tell the Administration how to do these things. That is not the level that my input is appropriate." I see this as the same way. Have I got this right? Is that what you were saying, Celia?

Ms. Yukimura: I think part of the role is that where there is Legislation that needs to be part of implementing the plan, that is the coordination that needs to be done.

Mr. Bynum: Maybe I do not fully understand the purposes of this Committee.

Ms. Yukimura: Mainly, it is a County Committee.

Chair Furfaro: Okay. Mr. Rapozo.

Mr. Rapozo: Let me just read what the plan says. The plan says, "The primary mission of the T.C.C. shall be to oversee implementation." That is overseeing implementation. That is not advisory. "Oversee implementation" means to supervise this Transportation Plan. "The Committee will work to coordinate the schedule and funding of projects." It is not just a—this is a very powerful group. They are going to work to coordinate the scheduling and funding of a project. But I think...

Ms. Yukimura: May I?

Chair Furfaro: Let him finish.

Mr. Rapozo: I think you are asking what—trying to get what the function of this Committee is, and that is exactly what it is, which is to oversee the implementation.

Ms. Yukimura: Right.

Chair Furfaro: Let me recognize you first.

Ms. Yukimura: Thank you. The advisory group is the one that gives input to the County in terms of how the County should do its work. The Coordinating Committee is not going to be the one that rolls out a bike path or a bus program. They are not the ones. They are just going to say if the Bus Transportation Agency is doing this, maybe the Roads Agency can be doing this first or second or whatever. They are not going to be the group that manages projects.

Mr. Rapozo: Correct. They are cannot manage the project, but they are going to be charged with the oversight.



Ms. Yukimura: The ones who do the E.I.S. and the ones who do the scheduling and meet all the requirements for any projects, get permits, all of that is not going to be this Coordinating group.

Mr. Rapozo: I just am struggling with the responses as to why we cannot have a representative from the Native Hawaiian Community, because I think those arguments would apply to the same reasons as the stated organizations in here like Get Fit Kaua'i, Kaua'i Path, or the Kaua'i County Farm Bureau, et cetera. Why can we not allow a Native Hawaiian Representative? I do not get it. I am struggling with that. If it is going to be a County Committee, with just the communicating between the Departments, which is what lacks in most projects...

Ms. Yukimura: You are right.

Chair Furfaro: Hold on. I need to recognize Charlier.

Mr. Charlier: I have a suggestion. I think it is such an important issue. I have a suggestion and it was triggered, Councilmember Rapozo, by what you just said, which was that we do have that list that says, "Examples of Organizations from which a citizen member could be drawn on yearly"...and list the number of organizations. It seems to me, to be a really positive change to add Native Hawaiian Community to that list. That would preserve the sort of inherently Administrative function, where primarily the people on the Committee...their functioning is part of the Administration of the County. The idea in having some citizen representation was in part to just open it up a little bit to view from the outside. It always helps to have a citizen member on a group because sometimes they have a completely different perspective and they get you out of your bureaucratic mode a little bit. It also gives way for people who have an interest in someday running for Council. It gives them way to learn more about your Government process. That was the regional intent. I would agree with the Councilmembers who have said that this is primarily an Administrative function, and so it is probably not the kind of thing where you have a large group of people who are not directly responsible for administering one of these programs. I also think that it is a positive suggestion that the Transportation Advisory Committee include representation from the Native Hawaiian Community. That seems like a positive suggestion to me. I do not know if that resolves your concerns?

Mr. Rapozo: That does. Then, it will be up to the Mayor if he wants to select someone from the Native Hawaiian Community or not.

Mr. Charlier: We will take it upon ourselves to make sure the communication goes back.

Mr. Rapozo: I think you hit it right on the head. The objective really, is to get citizen input.

Mr. Charlier: Right.

Mr. Rapozo: Sometimes with the citizen input, you may have somebody that...right now the two (2) citizens are there is obviously a Bike Path Representative, and that is not a problem, because they are active in the Transportation Planning.

Mr. Charlier: Yes, Sir.

Mr. Rapozo: What is so wrong with someone saying, "Hang on here, let me give you some input from our Native Hawaiian constituents." Why is that so damaging? That is what I think concerns me. If I am to understand that the text will be changed...

Mr. Charlier: On page 7-4.

Mr. Rapozo: And you will add...

Mr. Charlier: ...And a representative from Native Hawaiian Community.

Mr. Rapozo: Yes.

Mr. Charlier: To the list next to the last paragraph at the bottom of that page. The examples...

Mr. Rapozo: After the Kaua'i County Farm Bureau?

Mr. Charlier: Yes, or I could put it after.

Mr. Rapozo: It does not matter.

Mr. Charlier: If that resolves it, we will make sure that will be one of the changes that we take responsibility for.

Mr. Rapozo: Okay. That is fine.

Chair Furfaro: I am assuming I will do the same action, as it was just discussed to get a motion from the floor to change the narrative in that particular section. Can I have a motion?

Mr. Kagawa moved to approve the change in Jim Charlier's narrative for the Transportation Coordinating Committee in that particular section, seconded by Mr. Rapozo, and unanimously carried.

Chair Furfaro: Thank you, Mr. Charlier, you have that piece. Members, we have some critical times coming up on us, and we have Amendments being submitted, am I correct? Are we submitting two (2) sets of Amendments?

Ms. Yukimura: One set.

Chair Furfaro: Okay. Who is going to take the floor? You both pointed at each other.

Ms. Yukimura moved to approve Resolution No. 2013-33, seconded by Ms. Nakamura.

Chair Furfaro: Thank you.

Ms. Yukimura moved to amend Resolution No. 2013-33, as circulated, as shown in the Floor Amendment which is attached hereto as Attachment 1, seconded by Mr. Kagawa.

Chair Furfaro: Discussion? Members? Mr. Bynum.

Mr. Bynum: I have had an opportunity to read the Amendments and they all look like they improve the Resolution and clarify some of the things that we have been discussing today. I am ready to support this Amendment.

Chair Furfaro: Okay. Any more testimony? Council Vice Chair.

Ms. Nakamura: I just want to say that it does include several of the recommendations made by Carl Imperato earlier.

Chair Furfaro: Okay. Carl, did you hear that? Okay. Do you have a copy of it? Would you see that Mr. Imperato has a copy of the Amendment that is being circulated? Is there any interest by you, Glenn? No? Okay. We have the Amendment that has been motioned to approve with a second. Is there any further discussion? If not, all those in favor of the amendment signify by saying aye?

The motion to amend Resolution 2013-33, to Draft 1, was then put, and unanimously carried.

Chair Furfaro: Now, we are at the main motion. Thank you.  
Ms. Yukimura.

Ms. Yukimura: Just briefly, I want to thank Mr. Charlier, Celia, and her team for bringing this plan to fruition. It is, as was said before, the only Multimodal Plan in State and perhaps another way that Kaua'i is showing leadership. I want to thank the Mayor for supporting this effort, and all the Council for your input on it, especially Council Vice Chair for your detailed analysis of the plan. It is a bold plan. It stretches us, and I think we can achieve this and it will make a major difference in this island in terms of a really functional transportation system that can help people move and do the things that they need to do on this island in a cost effective, and environmentally sound way.

Chair Furfaro: Mr. Bynum you have the floor.

Mr. Bynum: I wanted to make a few comments. One, I support this plan. I am really happy it happened. I first became aware of Mr. Charlier, when I first turned on the television, probably five (5) or six (6) years ago, and talking about Transportation 101, connectivity, lollipops, and all of these good things. I was really, really happy and engaged in the Kōloa/Po'ipū Transportation Plan, and I said, "I need to know more about this." My comments are about the real world. The real world is changing. That is the first thing. Somebody here testified about how, "Young people are more open to these things." That is really clear to me. Young people have different expectations and frankly, the world has different resources for them than they did for me when I was a kid. The world has changed. I came here twenty-two (22) years ago to Kaua'i, and the first month, I heard the Department of Transportation saying that they were going to have an E.I.S. for a Kapa'a relief route done by the summer. That was twenty-two (22) years ago. If you asked them today, "When is that E.I.S. going to be done?" They will say, "Next Summer." That is what I have been hearing for twenty-two (22) years. We did not get a Highway *mauka* of our ocean highway. It is very unlikely to ever happen from the State Transportation. The County cannot fund a major highway without State and Federal funds. That is what Mayor Baptiste believed. That is why he said,

"We need more interim solutions. We need other answers. We have the Kapa'a relief route. We have half way. We have the two (2) lanes over Wailua Bridge, and eventually we will have a four (4) lane section in front of Coco Palms that will help with Kapa'a traffic." But we are at a critical decision point, and we may not, and we most likely do not, have the resources to do major highway construction beyond what Kaua'i has already planned. We did it in Lihu'e. We want to go further towards Maluhia Road on this side, but that relief route for Kapa'a—Mayor Baptiste did not think that it would happen, and we are no closer to it now than eight (8) years ago, and I do not believe it will happen in my lifetime. That leaves us with few alternatives in reality. That may be the most important comment coming from Councilmember Nakamura that, "if we adopt this plan, we need to take this seriously. If we do not invest in transit, and if we do not deal with this, we are going to have even more untenable situations." My final comment and I could go on and on, and everybody knows that. Pedestrian safety and mobility for persons who have mobility challenges and disabilities is an important, critical need. Sometimes I think, "Oh, I want to leave it the way it was." Well, the way it was left out a significant portion of our population that as a society we have said, and it is legally. We are required to provide accommodations to those people. So keeping rural character is important, absolutely. Having pedestrian safety, and opportunities for people to have mobility challenges, absolutely. That is why we have to be creative in our design and in our regulations. Also, that kind of creativity and flexibility that we saw from Mr. Charlier today, and I have faith in our community to do that. I love it that we have gotten out of silos and I see that more, and more in our County, that there is Interdepartmental cooperation and collaboration. Now includes the Council and we will be in very good shape. That was four (4) minutes. It was not that long. Thank you.

Chair Furfaro: I will remind everyone that we do have some critical calls and please, I know we need to practice brevity here. Councilmember Kagawa.

Mr. Kagawa: I will keep it real quick. I have to respond to some of those comments. It is not insensitivity to people with disabilities or whatever. For me, I kind of agree with Carl, to put the language in that plan would almost say that we need to do it. I personally think that there are a lot of cases where we cannot even maintain our roads, and we want to say that we want to do sidewalks in every subdivision. We have to stop dreaming at some point and take care of what we need to take care of, not me dreaming about doing things that we cannot do. I think to take out that language, and if we can, we do it, but let us not say that we have to do it in every subdivision. To me that just unrealistic. Thank you.

Chair Furfaro: Mr. Rapozo?

Mr. Rapozo: The second paragraph in the Resolution was vital for me, for my support, where it says, "that the M.L.T.P. is intended to serve as a guide for the development of County roads." I take that to heart. It is a guide and a policy statement. It is saying, "Yes, I think we agree what the plan is, but yet it is to be used as a guide." In some cases we are not going to be able to do everything that this plan says. I agree with Councilmember Kagawa, and he had the best statement I think, today when he said a lot of people come to Kaua'i and they enjoy the amenities and the bike path, but that is not the reason they come. They come here for the beauty. They come here because they want to witness the old Kaua'i. Otherwise, they could go to Honolulu, Maui or Kona, but they come here. That is what they want to enjoy. In some cases, concrete is not appropriate. My street,

Makani Road, Wailua Houselots, is not appropriate. It is a very old neighborhood. I am almost getting to be as old as my house, but I will never get there. My point is that we have to understand our limitations and we have to understand Kaua'i is different, and we need to recognize that. In some cases maybe we do not want the large, eight (8) by ten (10) foot sidewalks, and in some neighbors it does not belong there. I agree with what Ross had to say, and again, being practical and real and understanding our limitations as we move forward. Thank you, Jim, for your hard work in this process.

Chair Furfaro: Vice Chair.

Ms. Nakamura: I will keep this really short. I just want to thank Councilmember Yukimura for your leadership on this plan, and to the former Council, including members, Chairman Furfaro, Councilmember Bynum for funding the plan, and for the Carvalho Administration for carrying it out. You have done a great job. Thank you.

Chair Furfaro: Mr. Hooser.

Mr. Hooser: It epitomizes grinding it out. Grinding out that the Legislative but one the other sense, it is really Democracy at work, and I want to thank the Council, Councilmember Yukimura, and Councilmember Nakamura especially, for crafting the language for the Amendments and the consulting department. The community shows up to express valid concerns. Mr. Imperato and others came and said, "We are concerned about this." The Council listened, the Administration listened, and we did not just defer it or beat it up, but came to some clear conclusions and passing it out today. It is a real testament to how the work is supposed to be done. Thank you to all of you for sticking with it. Thank you.

Chair Furfaro: Okay. On that note, Jim, I think between Councilmember Yukimura, Councilmember Rapozo, and myself; we first met you, the three (3) of us, I think in 2005 or 2004 when we started with the Kōloa circulation plan. Now we have a document in front of us that has some reach in it, has some sensitivity in it, as well as we all cherish Kaua'i. All I really want to say to you personally is thank you very much, Jim. Thank you very much for your effort for our community. Celia and the team, thank you as well.

Ms. Charlier: May I say one thing?

Chair Furfaro: Yes, go ahead.

Mr. Charlier: This will only take a second. I have been really honored to work on this plan for you. I have enjoyed every day and every meeting we have been in. I am really proud of this and congratulations to the Staff, because they have been a great team to work with and to you as well. Thank you very much.

The motion to approve Resolution 2013-33, Draft 1, was then put, and carried by the following vote:

FOR APPROVAL:	Bynum, Hooser, Kagawa, Nakamura, Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST APPROVAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,

RECUSED & NOT VOTING: None

TOTAL – 0.

Chair Furfaro: Thank you again very much. Congratulations. Jim, we will catch up with you probably tomorrow to thank you personally.

There being no objections, the meeting was recessed at 3:49 p.m.

The meeting reconvened at 4:11 p.m., and proceeded as follows:

Chair Furfaro: To the County Attorney, we are dragging on our agenda today, but I would like you to read all three (3) items so that we can go into the Executive Session today. I will turn the floor over to you.

There being no objections, the rules were suspended.

ALFRED B. CASTILLO, JR., County Attorney: Good afternoon, Council Chair and Councilmembers. Al Castillo, County Attorney. The next matter for your consideration is Executive Session ES-591.

#### EXECUTIVE SESSIONS.

ES-591 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide Council with a briefing and request for authority to settle a claim against the County by Rebecca Vogt, filed on September 18, 2012, and referenced in Civil No. 12-1-0273 JRV (Fifth Circuit Court), as Rebecca Vogt vs. County of Kaua'i, Office of the Prosecuting Attorney, et al., and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

Mr. Castillo: The next matter for your consideration is E.S. 592.

ES-592 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(e) of the Kaua'i County Charter, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Mr. Castillo: The next matter for your consideration is E.S. 593.

ES-593 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Section 3.07(e) of the Kaua'i County Charter, the Office of the County Attorney requests an executive session with the Council to provide the Council with a briefing on the retention of special counsel to represent the County of Kaua'i in Jeffery Sampoang vs. Harvey Brothers, LLC; et al., Civil No. 12-1-0294 JKW (Fifth Circuit Court), and related matters. The briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Mr. Castillo: Thank you.

Chair Furfaro: Thank you. Members, as it has been my practice since I have been Chair, I would actually like to take a roll call vote after I get a motion to go into Session. Also at this time, I would like to ask if there is any public comment before we go into Executive Session. Welcome, Shay.

SHAYLENE ISERI-CARVALHO: Hi, Happy New Year.

Chair Furfaro: Can you indentify by number where you are giving testimony at?

Ms. Iseri-Carvalho: I am sorry, I do not have the agenda.

Chair Furfaro: Okay. I am sorry.

JADE K. FOUNTAIN-TANIGAWA, Deputy County Clerk: That would be E.S. 591.

Ms. Iseri-Carvalho: Yes, ES-591. Aloha Council Chair Furfaro, Vice Chair Nakamura, and the rest of the Councilmembers. I am Shaylene Iseri-Carvalho, the former Prosecutor.

On September 18, 2012, Becky Vogt filed a complaint alleging that she was being discriminated because she was not given a pay raise. Vogt's salary of eighty thousand dollars (\$80,000.00), she was previously given a pay increase of twenty-five thousand dollars (\$25,000.00) in a single year. Her salary of eighty thousand dollars (\$80,000.00) for an Attorney that has two (2) years of practicing Law is extremely reasonable and much higher than other Attorneys.

On Friday, August 24, 2012, Ms. Vogt was out ill. She sent an E-mail to me on Saturday inquiring about salary increases because she had not received one. I thought that this was odd because not a single Attorney had ever been aware that salary increases were even being considered, also because Ms. Vogt had not even been in the Office because she had been out ill. She was however informed to take care of herself and the matter would be discussed upon her return to work. She never contacted the Prosecuting Attorney's Office again and in fact, she never returned to work until Kollar took Office. The only other contact was a call from the Garden Island newspaper while I was out of State to provide a comment on Vogt's complaint. This lawsuit is totally baseless, frivolous, and without merit. It is my opinion that the County Attorney, Mr. Kollar, and Vogt concocted a scheme to sway the Election in favor of Kollar with a promise that she will be rewarded, not only with a gigantic pay increase that she was desperately craving, but also a supervisory position with the two (2) year minimal experience she possessed; even though several Attorneys in the Office that were retained by Kollar, had twenty (20) years of experience over her.

It is ironic that Ms. Vogt complains in her lawsuit that she was discriminated against because others less qualified received higher pay than her yet here, where she is the beneficiary of receiving a huge salary, in addition to being promoted from a rookie Attorney to a Supervisor over those veterans; she takes this opportunity in stride. It appears to be hypocritical at best.

On numerous occasions, the Office of the Prosecuting Attorney (O.P.A.) requested the County Council to appoint Special Counsel to represent this Office



fairly and objectively because the County Attorney had blatantly supported Kollar with sign waving, house to house endorsements, and hefty campaigning contributions. Despite this, he was allowed to continue to represent, and disparage the O.P.A.

The only time that Special Counsel was permitted was when Gary Slovin was hired to be an independent Special Counsel to fill the shoes of the Deputy County Attorney. Slovin had a stellar reputation in the legal community, over thirty (30) years of experience, and had represented the County very well in previous cases. Despite his expertise, Castillo castrated him for siding with the O.P.A. It was clear from here on that Castillo's interests was not for the O.P.A., nor the County, but for his own personal agenda. Immediately after the General Election, the County Attorney went on a rampage to settle lawsuits against the O.P.A. with little or no investigation and no consultation with the Staff or Attorneys of the O.P.A. This reckless behavior is antithetical to the role of the Attorney, who is required to represent the Client's best interest and not his own. Despite his biases, he readily agreed to settlement terms that were egregious and directly impacted the reputation of the O.P.A., as well as the County. It is extremely telling that the only case where there was zero payment was when the O.P.A. adamantly advocated for its own best interests and refused to go along with the C.A.'s demands to settle.

Given our own success, which resulted in zero moneys, we have on numerous occasions demanded that the County Attorney recuse himself from representing the O.P.A. On this matter, the Complaint was filed on September 18<sup>th</sup> and served on the County Attorney's Office on September 26<sup>th</sup>. The O.P.A. learned of the lawsuit, not from Mr. Castillo, nor anyone else from the County Attorney's Office, but from the newspaper and television media calling for comments.

The County Attorney was well aware upon the service of the document, that an answer was due within twenty (20) days as the summons state, "You are hereby required to answer the complaint and if you fail to make an answer within twenty (20) days time limit, the judgment by default will be taken against you for the relief demanded in the complaint."

On October 3<sup>rd</sup>, the Council appropriated twenty-five thousand dollars (\$25,000.00) for Special Counsel. Again, prior to the request, the O.P.A. got no information from the County Attorney that he was seeking outside representation, although we were extremely delighted to hear of it. Professional Responsibility Rules of Conduct that govern Attorneys, require that the Attorney keep in contact with the Client on any actions on a case. This has been consistently violated by the County Attorney. Despite having knowledge of the October 16<sup>th</sup> deadline, the County Attorney failed to act to file for an extension of time nor ensure that a timely response was filed.

Fortunately, almost two (2) months after the deadline had expired. On December 11, 2012, Robert Katz, Special Counsel, filed a request for an extension and got a favorable extension to December 28<sup>th</sup>. Katz made expeditious contact with myself on December 14<sup>th</sup> and informed me that he was representing the County and the Prosecuting Attorney in her official capacity. He also made a request to the County Attorney to fly me over to O'ahu to do the interview. The County Attorney failed to respond and given the quick deadline, the Prosecuting Attorney and Mr. Katz was forced do the interview over the phone which is contrary to working in the best interest of the County. Katz filed the Answer to the Complaint on December 21<sup>st</sup> and subsequently engaged in preparing for trial in this

matter, and obtaining evidence by taking or setting up a Deposition for Ms. Vogt. As the Depositions were being set, on or about January 3, 2013, the County Attorney called the Special Counsel Robert Katz, and advised him to hold off on doing anything on the Case because Vogt's Attorney had called him to discuss a settlement. This action is highly suspicious because Vogt's Attorney knew that Katz, not the County Attorney, is the Attorney of record. It was Katz who had filed the Answer to the Complaint. Why did Vogt's Attorney not call Katz? Knowing that Katz is the Special Counsel, why did the County Attorney not refer Vogt's Attorney to Katz?

The answer becomes abundantly clear that it is because this is a master plan between the County Attorney, Vogt, and Kollar to manipulate the County in settling Vogt's Claim without the benefit of any investigation because he is well-aware that the O.P.A. has numerous witnesses who will testify that her Claims are false. He purposely methodically and intentionally interfered with the investigatory process of the Special Counsel to not learn all of the truth.

It is so offensive that a County Attorney, who is supposed to have the County's best interest at heart, prohibits Special Counsel from continuing its investigation, does no investigation himself, and then comes in with a settlement offer to the County Council without ever conferring with the Prosecuting Attorney or the Special Counsel. Instead, the County Attorney secretly, without informing Special Counsel, placed the item on the agenda for settlement, even though he is not even the Attorney of record.

It is even more nauseating, that not only did the County Attorney engage in this covert negotiations, he did this knowing that his wife, Genalyn Castillo, was hired by Kollar as a Receptionist for the O.P.A., and is an employee under the supervision of Vogt, who is her supervisor as the Second Deputy in command. "You scratch my back, I scratch yours. You give my wife a job and take care of her. I will make sure you get a settlement."

This is simply a get-rich scheme based on greed and abuse of power. No amount of money should be settled. As a shield against injustice with the decision to "seek the truth," this Council needs to say enough is enough and stop the bad precedence set by this County Attorney and settling lawsuits with no merit, especially ones who continue to work for the County. We have seen at least two (2) employees get awarded huge settlements, continue to work in their cushy County job, then sue the County again and get paid again. The taxpayers, who you represent, are entitled to know the truth. The truth is priceless. Discourage unmeritorious lawsuits by doing the honorable thing and making those who make serious, baseless allegations accountable. Mahalo.

Chair Furfaro: Thank you for your testimony and your point of documenting the dates and so forth for us. Thank you. Councilmember Yukimura.

Ms. Yukimura: Do you have a copy that we can have? Do you have it in writing?

Ms. Iseri-Carvalho: I have it in writing. It is in draft form, but I will get it to you. I have not dated and signed it, but I will get it to you.

Ms. Yukimura: Can we see it today since we...

Ms. Iseri-Carvalho: You can have it now, but it is not in a perfect form that we usually would prepare one.

Ms. Yukimura: It has so many things in it. I would like to be able to look at it because I had a hard time absorbing all of it. Thank you.

Chair Furfaro: Thank you, Shay. We will get your copy back to you, Shay, after they make copies.

Ms. Iseri-Carvalho: Okay.

Chair Furfaro: Thank you. Is there anyone else who wishes to testify on any of the items so read? Mr. Hooser.

Mr. Hooser: Are we going to have the County Attorney come up and respond to some of the comments that were made?

Chair Furfaro: I would suggest that we have the County Attorney in our session to review those comments.

Mr. Hooser: Okay. I was a little taken aback actually, by the fact that we were doing this in Open Session and then we are going to Executive Session, and now the public will only see one side of the discussion, and will not have a chance to respond or here the other side. Some of the allegations were serious.

Chair Furfaro: I do not disagree that they are serious but at the same time, if there is further litigation or issues, my first response is not to protect either party. It is to protect the County. We have heard and I have thanked Shay for her testimony and her observations, but if you would like to have the County Attorney up, I will call him but I plan to have him in the Session.

Ms. Yukimura: Chair, I just think we need our Attorney present right now. If we are going to have a public discussion, we need to be advised too.

Chair Furfaro: I would prefer to have that in Executive Session, but if there is a member...

Mr. Rapozo: I have a question but I think it is follow-up to Mr. Hooser's. I think one of the concerns was the chronology that was stated, the figure too, and I think those are...I do not believe that is Executive Session material. I think that is Open Session material. It is just the fact of when the Complaint was received, when was the Complaint responded to, and why did we not get a response out within twenty (20) days? I think that is...and if the Attorney believes that it belongs in Executive Session, so be it. I do not think so. Like Mr. Hooser said, the public just heard that. I think I would like to see some answers as to why.

Chair Furfaro: Okay, why do we not take a two (2) minute recess, get another Attorney here. I should disclose to you that I have talked to Mr. Katz prior to scheduling this time.

There being no objections, the meeting was recessed at 4:26 p.m.

The meeting reconvened at 4:34 p.m., and proceeded as follows:

Chair Furfaro: Members, I want to thank Iseri for her testimony. I am going to go ahead and call up the County Attorney at the request of three (3) of the members. I also want to make sure that my instructions are to please focus on items that are actually public records. Dates, criteria, and questions about confirmation of employment or anything like that. Keep it to items that are public record. Mr. Castillo, if you could come up, I would appreciate it. I am going to give Mr. Rapozo the floor first, followed by Mr. Hooser.

Mr. Castillo: Council Chair, Councilmembers, hello again.

Mr. Rapozo: Al, thank you for coming up. My first question as we spoke on the break was about Mr. Bynum's recusal. The fact that Mr. Bynum recused himself from the Case early on because of the pending lawsuit that he had and the subsequent recusals in the request for funds and so forth, I would assume that the recusal should be made. That is the first question.

Mr. Castillo: Okay. My answer to that Councilmember Rapozo is that number one; there has been no challenge to the appropriateness of Councilmember Bynum being here. Number two (2), I am not the proper authority to render that opinion. It would be to Ethics, the Board of Ethics. If you would like to make that challenge, you could do so. It is my understanding that Councilmember Bynum has always sought guidance from the Board of Ethics and has received clearance.

Mr. Rapozo: I guess my question to you is a legal question. If I recuse myself from a Case...if I recuse myself from a potential conflict at the beginning, does that recusal not hold through for the duration of the case, as long as the conflict is still there? That is a legal question.

Mr. Castillo: The basis for the recusal would be solely regarding the individual himself. If he felt that he needed to recuse himself for whatever reason, he could. I am not going to do a legal opinion on that on this matter right now.

Mr. Rapozo: Okay. I just hope that standard is applied to me one day when I am in that shoe because I have been told by you, Al, in the past. I have been told by you right here, "You should recuse."

Mr. Castillo: There are circumstances where if you ask me, then I would give you my opinion.

Mr. Rapozo: Well I remember being summoned to the back room by you to tell me that "I need to recuse." That is it. I heard your opinion. That is fine. The only other questions I have are the timeline. As I understand the testimony, the Complaint was filed on the eighteenth (18<sup>th</sup>) of September. The Complaint was served on the twenty-fourth (24<sup>th</sup>), which would have made the twenty (20) day deadline to October 14<sup>th</sup>. Then, I do not see any activity other than the October 3<sup>rd</sup> approval for funding by this Council. I do not see any activity until December 11<sup>th</sup>, which is when Mr. Katz, who I am assuming between this period of October 3<sup>rd</sup> and December 11<sup>th</sup> was retained. But his first action was to file a Stipulation to extend the time to answer the complaint. My question is when was Mr. Katz hired?

Mr. Castillo: Councilmember Rapozo, first of all, I was involved with negotiating a contract with Bob Katz. I refuse to dignify any of the allegations made by Shaylene Iseri-Carvalho. I would answer all of these questions regarding the timelines because I have those answers for you.

Mr. Rapozo: When was Mr. Katz hired?

Mr. Castillo: I do not have the contract in front of me, but I will answer all those questions in Executive Session.

Mr. Rapozo: Do you know if he was hired before the twenty (20) day deadline? These are simple questions, Al.

Mr. Castillo: Well, they are simple questions, but I told you I will answer those questions in Executive. Bob Katz and I have worked together on this case regarding the answer. He knows about today. He knows about the settlement, and all of that. Anymore, I would answer in Executive Session, okay?

Mr. Rapozo: I guess the question is, is Mr. Katz available? Can someone check to see if Mr. Katz is available? He is? Okay, thank you.

Chair Furfaro: That does not mean what we are going to do other than I had made arrangements for him to take a conference call from us in the Executive Session. I have already made those arrangements.

Mr. Rapozo: I guess my point, Mr. Chair, is I want to speak to Mr. Katz, because he is the Attorney that has filed the answer. He is the Attorney that initially, had to request an extension of time. He filed the answer and I think the biggest problem is that he filed this motion...or I am sorry, he filed a notice to start taking Depositions on an investigation. That is what I want to talk about.

Chair Furfaro: I think you understand I know what your points are, and I have gone the extra mile to make sure he was available to accept a call from us today. In fact, I talked to him at lunch time to confirm that. On that note, Mr. Hooser.

Mr. Hooser: Just one question. It was stated that your wife was an employee of the Prosecutor's Office and under the supervision of the person which you are offering legal advice to us on. Is that correct?

Mr. Castillo: Again, I am not going to dignify any complaints by Shaylene Iseri-Carvalho. I will be willing to discuss this entire Case with you in Executive Session. This is a pending legal matter. I will answer those questions in Executive Session.

Chair Furfaro: In all fairness to Mr. Hooser, if he is asking a question that deals with your wife being employed and it is a matter of fact, I do not know why you cannot answer this question.

Mr. Castillo: I will answer it in Executive Session. Like I said Council Chair, I will not dignify any allegations and any mischaracterizations of what happened. I will answer all of these questions in Executive Session. This is a pending legal matter.

Chair Furfaro: Al, your wife's employment is not a pending legal matter. We are talking about being respectful, Al.

Mr. Castillo: I am respectful.

Chair Furfaro: I regret to inform you that that is being disrespectful to this Council in my opinion. It is a simple "yes" or "no", but you have stated your position. Mr. Hooser, you still have the floor. Do you have another question?

Mr. Hooser: Thank you, Chair, for your follow-up on that. Clearly, it is a public record. Clearly we will know soon enough what the answer is. I am very disappointed that the County Attorney has chosen not answer a simple, basic question.

Mr. Castillo: What is a simple, basic question?

Chair Furfaro: I have not recognized you, Sir.

Mr. Castillo: I am sorry.

Chair Furfaro: You are in our house, this is our rules. Mr. Hooser still has the floor.

Mr. Hooser: The question that I asked. Is your wife an employee at the Prosecutor's Office and under the supervision of the person with whom you are offering us advice in this legal matter?

Mr. Castillo: My understanding is that my wife is employed now at the Prosecutor's Office. My understanding is that she has...her supervisor is Art Williams, Renie, and Ade. That is my understanding.

Mr. Hooser: Thank you, Chair.

Chair Furfaro: Thank you for your response.

Mr. Castillo: You are welcome.

Chair Furfaro: I will give Mr. Bynum the floor before I give the second round. Mr. Bynum, you have the floor.

Mr. Bynum: Just a process issue. The County Attorney's Office is authorized to settle small claims under ten thousand dollars (\$10,000.00), or render a certain amount. Can you recall?

Mr. Castillo: Yes. Thank you for asking me or posing that issue and that question because, yes, up to five thousand dollars (\$5,000.00). The prior settlements that Iseri-Carvalho mentioned was a result of this Council being presented with the facts of those cases and the authorization for settlement.

Mr. Bynum: I just wanted to be clear that the County Attorney does not make settlements on these cases.

Mr. Castillo: That is correct.

Mr. Bynum: The County Council does.

Mr. Castillo: That is correct.

Mr. Bynum: Thank you.

Chair Furfaro: Mr. Rapozo.

Mr. Rapozo: What is Becky's position now? As I understand, she is a Second Deputy. Are you aware of that?

Mr. Castillo: Yes, I think she is the Second Deputy, yes. She has a supervisory position.

Mr. Rapozo: Would that now...as Mr. Hooser brought up—I am even more concerned of a conflict with you, here today, to go into that room to possibly discuss a settlement in an Office that your wife works, for the person that is...that is something, Mr. Chair, that I think we need to explore. I guess it would be through Ethics because I am concerned. I believe the Conflict of Interest Rules that we live by now includes, immediate family. I have some serious concerns right now with that. If I had known that, I would have probably requested a ruling from Ethics prior to today. Obviously, we do not have time to do that. I have some serious concerns now that there may be a real conflict with what was just exposed. Thank you.

Chair Furfaro: On that note, I do want to say that I still want to take this vote to go into Executive Sessions. I want to say that we have two (2) Attorneys for two (2) different cases that are waiting by phones to hear from us. The taxi meter runs whether or not by the phone. On that note, I would like to see if I can call for the vote to go into Executive Session. Before I do, Mr. Bynum.

Mr. Bynum: This is not a question. I do not have a question for the County Attorney. May I have the floor?

Chair Furfaro: Yes.

Mr. Bynum: A few minutes ago, Councilmember Rapozo asked whether I should recuse myself or not. I want to go on record by saying that I do not intend to recuse myself from this today, because twice in the last year, the Prosecuting Attorney has questioned whether I should recuse myself or have a Conflict of Interest. Both times, out of an abundance of caution, I left the meeting that day that I was challenged. But I followed up with an inquiry to the Ethics Commission asking their guidance on two (2) occasions about whether any of the circumstances that I am involved with constituted a Conflict of Interest and I have a written response from them in writing, both times, saying that I do not. I would like...I have also heard allegations in this last year of Conflict of Interest from dozens of people about virtually every Councilmember here except the two (2) that are new. I heard allegations from the Former Prosecutor about eighteen (18) to twenty (20) different individuals in our County Government, Courts, and community that she questioned their ethics. If anybody questions ethics, we have a mechanism for that. I do not know why people do not use it. Go to the Board of Ethics. They are very thoughtful. They have support. They make a determination



and it is all on public record. I would encourage everybody in this County. If you have concerns about whether someone has a conflict, follow-up on it, but do it in the proper form. Do not come up and make unfounded allegations. That puts people in uncomfortable situations. I think our County Attorney has been very patient because he has been accused of all kinds of nefarious things over the course of the last year. That is my statement. Thank you.

Chair Furfaro: Before we go any further, I have a question for the Deputy County Attorney as it relates to a Human Resources (H.R.) subject. Could I ask you to come up, Marc.

MARC GUYOT, Deputy County Attorney: Good afternoon, Council Chair, Councilmembers. Marc Guyot from the County Attorney's Office.

Chair Furfaro: Marc, as this item ties into an Equal Employment Opportunity Commission (E.E.O.C.). If it does, since I am not absolutely certain...and I want to have some clarity made of these questions today, both from County Attorney, Mr. Katz, Hooser, Rapozo, and Bynum. If I ask to Defer this item for a week, are there any critical time elements that you know of?

Mr. Guyot: There are no deadlines per say, Chair.

Chair Furfaro: If I Defer this until I get some of those other items clarified, it would not be detrimental to the settlement if I got a Deferral?

Mr. Guyot: I am not able to answer that for you in Open Session. Since you are asking me about an E.E.O.C. Complaint, an E.E.O.C. Complaint is confidential.

Mr. Rapozo: Mr. Chair, I want to make a Point of Order, please.

Chair Furfaro: Yes, go ahead.

Mr. Rapozo: The point is, this item has nothing to do with an E.E.O.C. Complaint. We are talking about a Civil Case.

Chair Furfaro: Well, everybody seems to know a lot more about this than I do. I just want to know if I Defer it for a week to get some answers for other things...

Mr. Rapozo: I am a stickler for these postings, and this posting is specific to Civil No. 12-1-0273 JRV, which is the Civil Case.

Chair Furfaro: Okay. I will yield to your concern. Let me repose the question. Are there any critical timelines associated with this at this time that you know of?

Mr. Guyot: At which, Chair?

Chair Furfaro: To resolve this Complaint, per say.

Mr. Guyot: Chair, I respectfully request to answer this in Executive Session.

Chair Furfaro: Okay, and I will honor that.

Mr. Guyot: Thank you.

Chair Furfaro: I will honor that. Thank you very much for your straightforward response. On that note, I am going to ask to call for a vote on going into Executive Session on the numbers identified. Mr. Rapozo.

Mr. Rapozo: I just have one more question, and this is relating to E.S. 591. I am going to ask that these items be taken at seriatim because I want to vote on it separately. I am not going to go into Executive Session under E.S. 591 with Mr. Castillo in there, simply because of my concerns until we get a ruling. I am willing to go into Executive Session to discuss this case with Mr. Katz, who I believe is on stand-by. That would be the condition for my approval to go into Executive Session for 591.

Chair Furfaro: Okay. Did you want to speak, Al?

Mr. Castillo: Only for clarification, Chair Furfaro. The presentation...when we talk about a settlement, it is a Global Settlement, and it is for this case, and related matters. That is how it was on the agenda. Just for clarification.

Chair Furfaro: No, I appreciate that. At the same time, I hope you can appreciate that I have had four (4) different opinions come up at this table. I am saying perhaps, and my responsibility is to the County of Kaua'i that I should be more cautious and try to get those things clarified before I go into Session. Now, if the individual members want to vote on the items by saying "aye" or "nay," which has been my practice, then I am going to call them out in seriatim. Thank you.

Mr. Rapozo: Mr. Chair, I have to get confirmation from the County Attorney if he is in fact planning to go in for 591.

Chair Furfaro: Okay. You would like him up to answer that question.

Mr. Rapozo: Yes.

Chair Furfaro: Mr. Castillo, we have a question for you directed at you. Before they vote, they want to know if it is your plan to go into Executive Session for 591?

Mr. Castillo: 591 could appropriately be handled by Marc Guyot. 591, if you want to question me regarding anything, you could invite me in as a resource person to answer any questions that you have. Marc Guyot will be able to fully vet out this entire case with you on all of the issues. Thank you.

Chair Furfaro: Al, may I first thank you for your courtesies as a gentleman. I will spell out that when we handle 591, it is anticipated to have Deputy County Attorney, Marc Guyot, representing the Office.

Mr. Rapozo: I would ask, Mr. Chair, that we at least in the beginning have Mr. Katz.

Chair Furfaro: Mr. Katz is waiting at a phone at my request since 4:15. The taxi meter is running.

Mr. Rapozo: I am asking that once in Executive Session, of there is a resource question for Mr. Guyot or Mr. Castillo, that request can be made. My support will be based on the fact that only under the condition that we have an opportunity to speak to Mr. Katz alone. He is the Attorney who we hired for this Case.

Chair Furfaro: I understand. His contract is 5580. I even looked that up.

Mr. Rapozo: I even have the amount that we owe so I want to make sure we talk to the person who has been doing the work, and not the Office who hired him.

Chair Furfaro: Mr. Rapozo, I am going to state you. I clearly hear your concerns. I have bigger concerns based on what was raised on the table today. I am going to call a roll call vote on each E.S. item, starting with 591, with the understanding that this Council will not have a County Attorney present to consult us as pointed out by Mr. Rapozo.

Mr. Rapozo moved to convene in Executive Session ES-591 as recommended by the County Attorney, seconded by Mr. Kagawa, and carried by the following vote:

FOR EXECUTIVE SESSION: Bynum, Hooser, Kagawa, Nakamura,	TOTAL – 6,
Rapozo, Yukimura	
AGAINST EXECUTIVE SESSION: None	TOTAL – 0,
EXCUSED & NOT VOTING: None	TOTAL – 0,
SILENT: Furfaro	TOTAL – 1.

Chair Furfaro: Okay, we have seven (7) ayes, even though I voted silent. I am a bit concerned of not having Attorney representation for myself as Chair. We will go into Executive Session

The motion to convene in Executive Session for ES-592 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION: Bynum, Hooser, Kagawa, Nakamura,	TOTAL – 7,
Rapozo, Yukimura, Furfaro	
AGAINST EXECUTIVE SESSION: None	TOTAL – 0,
EXCUSED & NOT VOTING: None	TOTAL – 0,
SILENT: Furfaro	TOTAL – 0.

The motion to convene in Executive Session for ES-593 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION: Bynum, Hooser, Kagawa, Nakamura,	TOTAL – 7,
Rapozo, Yukimura, Furfaro	
AGAINST EXECUTIVE SESSION: None	TOTAL – 0,
EXCUSED & NOT VOTING: None	TOTAL – 0,
SILENT: Furfaro	TOTAL – 0.

There being no objections, the Council recessed at 4:56 p.m.

The Council reconvened at 7:00 p.m., and proceeded as follows:

Chair Furfaro: We are back from our Executive Session and we are going to pursue completing the agenda.

COMMUNICATIONS:

C 2013-38 Communication (12/10/2012) from the Director of Finance, requesting Council approval to dispose of government records in the Department of Finance, Accounting Division, pursuant to Hawai'i Revised Statutes (HRS) 46-43(c) and Resolution No. 49-86 (1986), as amended. The reports and records have met the seven (7) and ten (10) year retention periods:

(1) Seven (7) Year retention:

- Cash Receipts: 2002 to, and including June 30, 2005,
- Payroll checks: 2004 to, and including June 30, 2005,
- Accounts Payable cancelled checks: 2003 to, and including June 30, 2005,
- Accounts Payable Registers: 2004 to, and including June 30, 2005,
- Inventory Files: 2003 to, and including June 30, 2005.

(2) Ten (10) Year retention:

- Accounts Payable: November 2001 to, and including June 30, 2002.

Mr. Bynum moved to approve C 2013-38, Mr. Rapozo.

Chair Furfaro: I did circulate a memorandum based on what was communicated to us from Finance. Any further discussion?

Mr. Rapozo: Unfortunately, we went longer than we expected, I had hope to have the Finance Department here but I received a call from someone that had informed me that the Finance Department was burying records out at the landfill in bankers boxes and it was being supervised about a month ago or so. In fact, they were coming with a second load. That was my concern that how was the disposal going to be done, we are told here that it was going to be shredded but I want to explore and investigate why we are burying documents out at the landfill. Especially when it involves these types of records, I understand that HRS says that the copies and all that are required to be retained – the physical copies but I still believe that the County needs to retain some sort of copies and I think in digital form. I think HRS says that you do not need to keep the physical documents and you can get rid of it but I think just as good financial practice that we would want to keep those documents at least in digital form. I am going to be asking for a deferral with a request to Finance and Solid Waste, in fact, what is happening out at the landfill and what are we burying? We should not be burying financial records at the landfill. It was quite clear to me that they were down there and they dug a big hole and dump boxes of stuff. Again, I am not sure when the next schedule... but we did not approve anything for a while, this is the first request to approve destruction of records, so I want to follow up on that.

Chair Furfaro: I just want to make sure that the original request came to us on January 17, I sent a communication to them shortly after that

meeting, and they responded to us on January 24<sup>th</sup> as to what they were doing. But I think what I am hearing is that before we actually approve this that perhaps we should investigate what they have said in their response to me is consistent with what they are doing now.

Mr. Rapozo: Exactly.

Chair Furfaro: And that if they told us that it was shredding – it should be shredding. If we did not give any approvals and they started burying records then I think it is forth following up.

Ms. Yukimura: I do not have a problem with a deferral. I did check based on their communication of January 24<sup>th</sup> about whether there are records that would be preserved of the payroll because of the issues that came up during the audit about discrepancies in pay. I did learn that the payroll ledgers are accurate records of the checks. I was told that the inputs that are done electronically go both to the check and the ledger at the same time so that whatever is in the ledger does represent what is on the check. I feel okay that there is a record. Now, I would be concerned if they are burying records like this in the landfill for two (2) reasons. One (1), if those records are not shredded, that is a major violation of both privacy and I am sure other laws and number two (2), if they are shredded, they should be recycled as paper and not put in the landfill. So, I have two (2)...

Chair Furfaro: Wow, we knew that was coming.

Ms. Yukimura: I mean, that is a huge volume when you add it all up over the years. I would like to see some investigation about Councilmember Rapozo's information so that we can verify what is happening.

Chair Furfaro: Jade and Ricky, we need a follow up communication with some specific questions. Maybe Mr. Rapozo can prepare those questions for us and get this deferred for today.

Mr. Rapozo moved to defer C 2013-38, seconded by Ms. Yukimura, and unanimously carried.

C 2013-54 Communication (01/10/2013) from the Fire Chief, requesting Council approval to apply, receive, and expend the 2013 State of Hawai'i, Department of Transportation, Highway Safety Grant funds in the amount of \$11,266.88 for nine (9) Safety Light Power Flare Sets, one hundred thirty-eight (138) UVEX Ignite Safety Glasses, and Hybrid Vehicle Extrication Training. Equipment and training will be used to ensure scene safety and to provide firefighters with tools necessary to safely mitigate a vehicle accident: Mr. Kagawa moved to approve C 2013-54, seconded by Mr. Rapozo, and unanimously carried.

C 2013-55 Communication (01/14/2013) from the Housing Director, requesting Council approval to decline the County's option to repurchase Unit No. 1, Villas at Pū'ali, located at 1911 Haleukana Street, Līhu'e, Hawai'i 96766, and to grant the owner a one-year waiver of the buyback and allow the market sale of the unit: Ms. Yukimura moved to approve C 2013-55, seconded by Ms. Nakamura, and unanimously carried.

Chair Furfaro: The next item dealing with Housing, I believe has been requested to be withdrawn and I mentioned that in the beginning of today's meeting.

C 2013-56 Communication (01/14/2013) from the Housing Director, requesting Council approval to exercise its first option to repurchase Unit No. 604, Hookena at Puhi, located at 2080 Manawalea Street, Lihue, Hawai'i for \$180,000.00, resell the property for \$160,000.00 or appraised value, whichever is lower, and authorize the County Clerk to sign legal documents related to the repurchase and resale transactions: Ms. Yukimura moved to receive C 2013-56 for the record, seconded by Mr. Rapozo, and unanimously carried.

C 2013-58 Communication (01/15/2013) from the Director of Economic Development, requesting Council approval to accept donations of assorted utensils, cloth napkins, dishes, and mugs from the Kaua'i Coast Resort at the Beachboy, The Cliffs at Princeville, and County employees Emily Medeiros, Sarah Blane and Glenn Sato. Donations will be used to create "loaner kits" that Offices can use for workshops and parties in order to support the County's Green Team Disposables to Reusable Campaign: Ms. Yukimura moved to approve C 2013-58 with thank-you letters, seconded by Mr. Kagawa, and unanimously carried.

C 2013-59 Communication (01/15/2013) from the County Engineer, requesting Council approval to receive a donation of asphalt paving valued at approximately thirty-five thousand dollars (\$35,000.00) from Jas. W. Glover, Ltd. The donation will be used to resurface approximately four hundred and thirty-five feet (435') of roadway approximately sixteen feet (16') wide by laying down one inch (1") leveling course, followed by a one and a half inch (1-½") resurfacing course on Keālia Road, Anahola, in the vicinity of the Jas W. Glover, Ltd., concrete batch plant: Mr. Kagawa moved to approve C 2013-59 with a thank-you letter, seconded by Ms. Yukimura, and unanimously carried.

C 2013-60 Communication (01/18/2013) from the County Attorney, requesting authorization to expend funds of up to \$20,000.00 for Special Counsel's continued services provided in Kaua'i Police Commission, et al. vs. Bernard P. Carvalho, Jr., in his official capacity as the Mayor of the County of Kaua'i, Civil No. 12-1-0229 (Fifth Circuit Court), and related matters: Ms. Yukimura moved to defer C 2013-60, seconded by Mr. Bynum, and unanimously carried.

C 2013-61 Communication (01/23/2013) from the County Attorney, requesting authorization to expend funds up to \$25,000.00 to retain Special Counsel to represent the County of Kaua'i in Jeffery Sampoang vs. Harvey Brothers, LLC; et al., Civil No. 12-1-0294 JKW (Fifth Circuit Court), and related matters: Mr. Kagawa moved to approve C 2013-61, seconded by Ms. Yukimura, and unanimously carried.

*Ms. Nakamura was noted recused from C 2013-46.*

#### LEGAL DOCUMENTS:

C 2013-46 Communication (12/26/2012) from the County Engineer, requesting Council approval of the Indemnification Provisions contained in the Kaua'i Island Utility Cooperative (KIUC) Interconnection Agreement, Schedule "NEM Pilot" for County Renewable Energy Projects: Mr. Kagawa moved to approve C 2013-46, seconded by Ms. Yukimura.

Chair Furfaro: Anyone in the audience that wishes to speak on this? Any discussion?

Mr. Rapozo: I had requested the deferral so that the document could be reviewed by the County Attorney's Office. I did not get anything... if anything was sent back from the Office?

Chair Furfaro: May I have someone from the County Attorney's Office to please come up and respond to us on this as Mr. Rapozo's request was made on the 17<sup>th</sup> of January to have a review done and that was deferred.

JODI A.H. SAYEGUSA, Deputy County Attorney: I submitted a... I am sorry, this is a request for an overview? I have submitted a memo dated January 24, 2013 and I am not sure if you received that.

Mr. Rapozo: I just received it.

Ms. Sayegusa: I can answer any questions.

Chair Furfaro: Let us give him a second to read.

Ms. Sayegusa: Sure.

Mr. Rapozo: My main concern was reading the last paragraph which said that you have reviewed and approved the document for forum and legality and you recommend approval.

Ms. Sayegusa: Yes.

Mr. Rapozo: That is fine.

Chair Furfaro: You are fine? Okay. Members, any further discussion? We have a motion to approve and a seconded.

The motion to approve C 201346 was then put, and unanimously carried.

*Ms. Nakamura was noted back in the Council Meeting.*

#### CLAIMS:

C 2013-62 Communication (01/11/2013) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Brian Barcelona for medical bills and loss of income, pursuant to Section 23.06, Charter of the County of Kaua'i: Mr. Kagawa moved to refer C 2013-62 to the County Attorney's Office for disposition and/or report back to the Council if it exceeds the approval amount that is currently allowed without the approval of the Council, seconded by Mr. Rapozo, and unanimously carried.

#### COMMITTEE REPORTS:

FINANCE & ECONOMIC DEVELOPMENT (TOURISM / VISITOR INDUSTRY / SMALL BUSINESS DEVELOPMENT / SPORTS & RECREATION DEVELOPMENT / OTHER ECONOMIC DEVELOPMENT AREAS) COMMITTEE:

A report (No. CR-FED 2013-02) by the Finance & Economic Development (Tourism / Visitor Industry / Small Business Development / Sports & Recreation



Development / Other Economic Development Areas) Committee, recommending that the following be received for the record:

“FED 2013-01 Communication (12/21/2012) from Councilmember Bynum, requesting the presence of the Director of Finance and the Deputy Director of Finance, to provide an update on the progress of various Departments’ and Agencies’ corrective actions and projected completion dates as it relates to the findings outlined in the Single Audit Report and Management Advisory Report for the Fiscal Year Ended June 30, 2012. The Department/Agency will be addressed in the following order:

- a. Housing Agency
- b. Transportation Agency
- c. Department of Public Works, Wastewater Division
- d. Department of Finance,”

Ms. Nakamura moved for approval of the report, seconded by Mr. Rapozo, and unanimously carried.

### RESOLUTIONS:

Resolution No. 2012-55, RESOLUTION ESTABLISHING NO PARKING AT ANY TIME ALONG PORTIONS OF PO’IPU ROAD IN THE KŌLOA DISTRICT

Clerk: The Council received a communication from the Administration requesting that this matter be deferred one (1) month after their meeting with the Stakeholders.

Ms. Nakamura moved to defer to March 13, 2013, seconded by Mr. Rapozo, and unanimously carried.

Resolution No. 2013-12, RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF WATER SUPPLY (*Ross A. Nakashima*)

Chair Furfaro: I read earlier that Mr. Nakashima had sent correspondence to us asking that his name be removed from this submittal. Am I correct?

Ms. Nakamura moved to receive Resolution No. 2013-12 for the record, seconded by Ms. Yukimura, and unanimously carried.

Resolution No. 2013-32, RESOLUTION CONFIRMING COUNCIL APPOINTMENT TO THE PUBLIC ACCESS, OPEN SPACE, AND NATURAL RESOURCES PRESERVATION FUND COMMISSION (*Dorothea K. Hayashi*): Mr. Kagawa moved to adopt Resolution No. 2013-32, seconded by Ms. Yukimura, and carried by the following vote:

FOR ADOPTION:	Bynum, Hooser, Kagawa, Nakamura Rapozo, Yukimura, Furfaro	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

BILLS FOR FIRST READING:

Proposed Draft Bill (No. 2463) - A BILL FOR AN ORDINANCE AMENDING SECTION 19-1.4, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO PARKS AND RECREATION: Ms. Yukimura moved for passage of Proposed Draft Bill No. 2463 on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 13, 2013, and referred to Public Works / Parks & Recreation Committee and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura Rapozo, Yukimura, Furfaro	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Proposed Draft Bill (No. 2464) - A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE: Ms. Nakamura moved to refer to the Planning Commission, seconded by Mr. Rapozo, and carried by the following vote:

FOR PASSAGE:	Bynum, Hooser, Kagawa, Nakamura Rapozo, Yukimura, Furfaro	TOTAL - 7,
AGAINST PASSAGE:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:27 p.m.

Respectfully submitted,



RICKY WATANABE  
County Clerk

cy:ds



(January 30, 2013)

FLOOR AMENDMENT

Resolution No. 2013-33, Relating to accepting and endorsing the Multimodal Land Transportation Plan as a policy guideline for the County of Kaua'i

Introduced by: JOANN A. YUKIMURA AND NADINE K. NAKAMURA

Amend Resolution No. 2013-33 in its entirety to read as follows:

"WHEREAS, the Kaua'i Multimodal Land Transportation Plan (MLTP) seeks to provide direction for the County of Kaua'i (County) to achieve a more balanced multimodal transportation system [through its planning horizon year of] by 2035; and

WHEREAS, the MLTP is intended to serve as a guide for the development of county roads and streets, public transit, bicycle facilities, pedestrian facilities, [agricultural needs,] agriculture-related transportation, and to promote the integration of land use planning with transportation system development; and

WHEREAS, the MLTP will help Kaua'i achieve its most important goal—that of accommodating a growing population while preserving the rural character and high quality of life that is so important now and in the future; and

WHEREAS, the MLTP, along with the Hawai'i State Department of Transportation (DOT) Regional Long Range Land Transportation Plan for the island of Kaua'i (RLRLTP-Kaua'i), [are] is designed to serve as support documents for the [upcoming General Plan Update;] update of the 2000 General Plan; and

WHEREAS, the MLTP includes priorities for immediate and mid-range implementation; and

WHEREAS, the MLTP's "Preferred Scenario" seeks to [prevent] move Kaua'i toward a more efficient and cost-effective land transportation system by preventing growth in island-wide vehicle miles travelled (VMT) above the 2010 level despite projected increases in resident and visitor [populations;] populations, thereby accommodating population growth without the usual related increases in traffic, fossil fuel consumption, greenhouse gases, household transportation costs, and degradation of Kaua'i's rural character and beautiful natural environment; and

WHEREAS, the "Preferred Scenario" identifies interventions that [should be considered to] will help implement the County General Plan; and

WHEREAS, implementation of the "Preferred Scenario" [would result in far reaching outcomes that support many of the goals of this plan; now, therefore] will be the best way to achieve choice, flexibility, and affordability in land transportation; a good freight system for the various freight-moving needs on the island; economic vitality; lower cost of living; enhanced public health; protection of Kaua'i's natural landscapes and environmental quality; efficient use of energy; less dependency on oil; and timely and proactive repair of our land transportation infrastructure; and

WHEREAS, the input of the local community shall be solicited and given strong consideration in designing and implementing transportation improvements to maintain the community's rural character; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII, that the Kauai Multimodal Land Transportation Plan (MLTP) is hereby adopted to provide policy direction for the County of Kauai.

BE IT FURTHER RESOLVED, that the MLTP be used to guide policies, ordinances, the allocation of transportation funding, the prioritization of transportation projects, and future transportation plans throughout the County.

BE IT FURTHER RESOLVED, that the County [follows] follow this multimodal planning approach [emphasizing] that emphasizes "Complete Streets" as a priority[.] whose application must, however, take into account the vision and desires of the affected local communities.

BE IT FURTHER RESOLVED, that the County's transit services be [grown] expanded via a mix of funding strategies [intended] in order to encourage and continue the recent growth in transit ridership.

BE IT FURTHER RESOLVED, that the Administration is hereby requested to use the County's new Transportation Planner position [assist with the coordination of effort between] to coordinate efforts among the Planning Department, Department of Public Works, the Transportation Agency, and the State Department of Transportation to bring a multimodal focus to development of [our community's] Kauai's transportation [systems,] system, networks, and project planning.

BE IT FURTHER RESOLVED, that the County utilize the MLTP as a guide to improve street networks and connectivity, thereby relieving traffic congestion on main highways.

BE IT FURTHER RESOLVED, that the County [will] utilize the MLTP as a guide to improve the safety and convenience of walking and bicycling in order to improve public safety, public health, and quality of life.

BE IT FURTHER RESOLVED, that the County [emphasizes the MLTP] embrace MLTP's transportation policies, programs and projects that reinforce and strengthen the economic vitality and livability of existing town core areas.

BE IT FURTHER RESOLVED, that the Transportation Coordinating Committee is requested to present an annual report to the County Council in January of each year.